

Sea Link

The Examining Authority's (ExA) Consultation draft Development Consent Order (dDCO)

**Schedule of ExA's recommended amendments to the applicant's dDCO
submitted at deadline 6 [REP6-004]**

Note to Interested Parties:

The following table sets out the ExA's recommended amendments to the applicant's draft dDCO that was submitted at deadline (DL) 6 [REP6-004].

Regardless of the ExA's recommendation to the Secretary of State, the ExA is required to provide a recommended DCO with its recommendation report. Therefore, this document was produced on a without prejudice basis and should not be taken as an indication that the ExA has already made up its mind on the proposed development.

Interested parties (IPs) participation and written responses will be treated as being given without prejudice to any position or view they hold on the scheme. IPs are invited to identify any outstanding concerns previously raised that are not addressed below.

Please note that some aspects of the dDCO are still the subject of examination, active discussion or disagreement between parties (for example article 10 and requirement 15). As such, the non-inclusion of any recommended changes on these matters should not be taken to indicate what the ExA's recommendation might be on those matters.

Recommended amendments are set out in the same order that they appear in the DCO as currently drafted. Column 3 of the table indicates the current drafting as suggested by the applicant. Column 4 provides the ExA's recommended amendment with drafting that has been suggested to be added being shown in **bold** and where drafting has been suggested to be deleted, the relevant text is shown as a ~~strikethrough~~. An explanation for the change or insertion is provided in column 5.

For the purposes of enabling commentary the proposed new requirements and conditions have been allocated letters of the alphabet. However, if following any comments made, they are carried through into the recommended DCO that will accompany the ExA's report to the Secretary of State they will be inserted at the relevant points in the DCO.

Responses to this document are due at **DL7, Wednesday 29 April 2026**.



No	Article / Schedule	Text as set out in the draft DCO [REP6-004]	ExA's Recommended Amendment	Reason and Notes
Articles				
1.	Use of 35 day decision period within the dDCO in: <ul style="list-style-type: none"> • article 11(3) • article 15(9) • article 17(2) • article 20(9) • article 22(8) • article 50(9) 	"35 days"	"35 56 days"	The ExA considers that given the volume of NSIPs within the local authority areas and the need to allow for consultation and proper scrutiny, that a 56 day period is reasonable and appropriate.
2.	Use of "which consent shall not be unreasonably withheld or delayed" within the dDCO in: <ul style="list-style-type: none"> • article 11(2) • article 15(2) • article 15(5)(b) • article 17(1)(b) • article 20(3) and (4) • article 22(5) • article 50(2) • article 55(1) 	<p>"which shall not be unreasonably withheld or delayed" 11(2)</p> <p>"(such consent not to be unreasonably withheld or delayed)" 15(2) and 15(5)(b)</p> <p>"(such consent not to be unreasonably withheld or delayed)" 17(1)(b)</p> <p>"but must not be unreasonably withheld or delayed" 20(3)</p> <p>"but such approval must not be unreasonably withheld or delayed" 20(4)</p> <p>"but such consent must not be unreasonably withheld or delayed" 22(5)</p>	<p>"which shall not be unreasonably withheld or delayed" 11(2)</p> <p>"(such consent not to be unreasonably withheld or delayed)" 15(2) and 15(5)(b)</p> <p>"(such consent not to be unreasonably withheld or delayed)" 17(1)(b)</p> <p>"but must not be unreasonably withheld or delayed" 20(3)</p> <p>"but such approval must not be unreasonably withheld or delayed" 20(4)</p> <p>"but such consent must not be unreasonably withheld or delayed" 22(5)</p>	<p>The ExA has carefully considered responses to written questions and oral submissions made in hearings on this issue.</p> <p>The ExA considers that the inclusion of 'which shall not be or must not be unreasonably withheld or delayed' (or a variation of such words) would add ambiguity rather than clarity.</p>



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		<p>"which consent must not be unreasonably withheld or delayed" 50(2)</p> <p>"and must not be unreasonably withheld or delayed" 55(1)</p>	<p>"which consent must not be unreasonably withheld or delayed" 50(2)</p> <p>"and must not be unreasonably withheld or delayed" 55(1)</p>	
3.	23. Removal of human remains	<p>23.—(1) In this article "the specified land" means any land within the Order limits which the undertaker reasonably considers may contain human remains. (2) Before the undertaker carries out any development or works which will or may disturb any human remains in the specified land it must remove those human remains from the specified land, or cause them to be removed, in accordance with the following provisions of this article. (3) Before any such remains are removed from the specified land the undertaker must give notice of the intended removal, describing the specified land and stating the general effect of the following provisions of this article, by— (a) publishing a notice once in each of two successive weeks in a newspaper circulating in the area of the specified land; and (b) displaying a notice in a conspicuous place on or near to</p>	<p>23.—(1) In this article "the specified land" means any land within the Order limits which the undertaker reasonably considers may contain human remains. (2) Before the undertaker carries out any development or works which will or may disturb any human remains in the specified land it must remove those human remains from the specified land, or cause them to be removed, in accordance with the following provisions of this article. (3) Before any such remains are removed from the specified land the undertaker must give notice of the intended removal, describing the specified land and stating the general effect of the following provisions of this article, by— (a) publishing a notice once in each of two successive weeks in a newspaper circulating in the area of the specified land; and (b) displaying a notice in a conspicuous place on or near to</p>	<p>There are no known burial grounds within the order limits so the ExA considers this article to be unnecessary. Any archaeological human remains should be dealt with in accordance with the archaeological written scheme of investigation.</p>



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		<p>the specified land. (4) As soon as reasonably practicable after the first publication of a notice under paragraph (3) the undertaker must send a copy of the notice to the relevant planning authority. (5) At any time within 56 days after the first publication of a notice under paragraph (3) any person who is a personal representative or relative of any deceased person whose remains are interred in the specified land may give notice in writing to the undertaker of that person's intention to undertake the removal of the remains. (6) Where a person has given notice under paragraph (5), and the remains in question can be identified, that person may cause such remains to be— (a) removed and re-interred in any burial ground or cemetery in which burials may legally take place; or (b) removed to, and cremated in, any crematorium, and that person must, as soon as reasonably practicable after such re-interment or cremation, provide to the undertaker a certificate for the purpose of enabling compliance with paragraph (11). (7) If the undertaker is not satisfied that any person giving notice under</p>	<p>the specified land. (4) As soon as reasonably practicable after the first publication of a notice under paragraph (3) the undertaker must send a copy of the notice to the relevant planning authority. (5) At any time within 56 days after the first publication of a notice under paragraph (3) any person who is a personal representative or relative of any deceased person whose remains are interred in the specified land may give notice in writing to the undertaker of that person's intention to undertake the removal of the remains. (6) Where a person has given notice under paragraph (5), and the remains in question can be identified, that person may cause such remains to be— (a) removed and re-interred in any burial ground or cemetery in which burials may legally take place; or (b) removed to, and cremated in, any crematorium, and that person must, as soon as reasonably practicable after such re-interment or cremation, provide to the undertaker a certificate for the purpose of enabling compliance with paragraph (11). (7) If the undertaker is not satisfied that any person giving notice under</p>	



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		<p>paragraph (5) is the personal representative or relative as that person claims to be, or that the remains in question can be identified, the question is to be determined on the application of either party in a summary manner by the county court, and the court may make an order specifying who will remove the remains and as to the payment of the costs of the application. (8) Subject to paragraph (7), the undertaker must pay the reasonable expenses both of responding to notices under this article and of removing and re-interring or cremating the remains of any deceased person under this article. (9) If— (a) within the period of 56 days referred to in paragraph (5) no notice under that paragraph has been given to the undertaker in respect of any remains in the specified land; or (b) such notice is given and no application is made under paragraph (7) within 56 days after the giving of the notice but the person who gave the notice fails to remove the remains within a further period of 56 days; or (c) within 56 days after any order is made by the county court under paragraph (7) any person, other than the</p>	<p>paragraph (5) is the personal representative or relative as that person claims to be, or that the remains in question can be identified, the question is to be determined on the application of either party in a summary manner by the county court, and the court may make an order specifying who will remove the remains and as to the payment of the costs of the application. (8) Subject to paragraph (7), the undertaker must pay the reasonable expenses both of responding to notices under this article and of removing and re-interring or cremating the remains of any deceased person under this article. (9) If— (a) within the period of 56 days referred to in paragraph (5) no notice under that paragraph has been given to the undertaker in respect of any remains in the specified land; or (b) such notice is given and no application is made under paragraph (7) within 56 days after the giving of the notice but the person who gave the notice fails to remove the remains within a further period of 56 days; or (c) within 56 days after any order is made by the county court under paragraph (7) any person, other than the</p>	



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		<p>undertaker, specified in the order fails to remove the remains; or (d) it is determined that the remains to which any such notice relates cannot be identified, subject to paragraph (10) the undertaker must remove the remains and cause them to be re-interred in such burial ground or cemetery in which burials may legally take place as the undertaker thinks suitable for the purpose; and, so far as possible, remains from individual graves must be re interred in individual containers which must be identifiable by a record prepared with reference to the original position of burial of the remains that they contain. (10) If the undertaker is satisfied that any person giving notice under paragraph (5) is the personal representative or relative as that person claims to be and that the remains in question can be identified, but that person does not remove the remains, the undertaker must comply with any reasonable request that person may make in relation to the removal and re-interment or cremation of the remains. (11) On the re-interment or cremation of</p>	<p>undertaker, specified in the order fails to remove the remains; or (d) it is determined that the remains to which any such notice relates cannot be identified, subject to paragraph (10) the undertaker must remove the remains and cause them to be re-interred in such burial ground or cemetery in which burials may legally take place as the undertaker thinks suitable for the purpose; and, so far as possible, remains from individual graves must be re interred in individual containers which must be identifiable by a record prepared with reference to the original position of burial of the remains that they contain. (10) If the undertaker is satisfied that any person giving notice under paragraph (5) is the personal representative or relative as that person claims to be and that the remains in question can be identified, but that person does not remove the remains, the undertaker must comply with any reasonable request that person may make in relation to the removal and re-interment or cremation of the remains. (11) On the re-interment or cremation of</p>	



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		<p>any remains under this article— (a) a certificate of re-interment or cremation is to be sent by the undertaker to the Registrar General giving the date of re-interment or cremation and identifying the place from which the remains were removed and the place in which they were re-interred or cremated; and (b) a copy of the certificate of re-interment or cremation and the record mentioned in paragraph (9) is to be sent by the undertaker to the relevant planning authority mentioned in paragraph (4). (12) No notice is required under paragraph (3) before the removal of any human remains where the undertaker is satisfied— (a) that the remains were interred more than 100 years ago; and (b) that no relative or personal representative of the deceased is likely to object to the remains being removed in accordance with this article. (13) In the case of remains in relation to which paragraph (12) applies, the undertaker— (a) may remove the remains; (b) must apply for direction from the Secretary of State under paragraph (15) as to their subsequent treatment; and (c) must deal with the remains in such</p>	<p>any remains under this article— (a) a certificate of re-interment or cremation is to be sent by the undertaker to the Registrar General giving the date of re-interment or cremation and identifying the place from which the remains were removed and the place in which they were re-interred or cremated; and (b) a copy of the certificate of re-interment or cremation and the record mentioned in paragraph (9) is to be sent by the undertaker to the relevant planning authority mentioned in paragraph (4). (12) No notice is required under paragraph (3) before the removal of any human remains where the undertaker is satisfied— (a) that the remains were interred more than 100 years ago; and (b) that no relative or personal representative of the deceased is likely to object to the remains being removed in accordance with this article. (13) In the case of remains in relation to which paragraph (12) applies, the undertaker— (a) may remove the remains; (b) must apply for direction from the Secretary of State under paragraph (15) as to their subsequent treatment; and (c) must deal with the remains in such</p>	



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		<p>manner, and subject to such conditions, as the Secretary of State directs. (14) In this article— (a) references to a relative of the deceased are to a person who— (i) is a husband, wife, civil partner, parent, grandparent, child or grandchild of the deceased; or (ii) is, or is a child of, a brother, sister, uncle or aunt of the deceased. (b) references to a personal representative of the deceased are to a person who— (i) is the lawful executor or executrix of the estate of the deceased; or (ii) is the lawful administrator of the estate of the deceased. (15) The removal of the remains of any deceased person under this article must be carried out in accordance with any directions which may be given by the Secretary of State. (16) Any jurisdiction or function conferred on the county court by this article may be exercised by a district judge of the court. (17) Section 25 (Offence of removal of body from burial grounds) of the Burial Act 1857(a) does not apply to a removal carried out in accordance with this article. (18) The Town and Country Planning (Churches, Places of Religious Worship and Burial</p>	<p>manner, and subject to such conditions, as the Secretary of State directs. (14) In this article— (a) references to a relative of the deceased are to a person who— (i) is a husband, wife, civil partner, parent, grandparent, child or grandchild of the deceased; or (ii) is, or is a child of, a brother, sister, uncle or aunt of the deceased. (b) references to a personal representative of the deceased are to a person who— (i) is the lawful executor or executrix of the estate of the deceased; or (ii) is the lawful administrator of the estate of the deceased. (15) The removal of the remains of any deceased person under this article must be carried out in accordance with any directions which may be given by the Secretary of State. (16) Any jurisdiction or function conferred on the county court by this article may be exercised by a district judge of the court. (17) Section 25 (Offence of removal of body from burial grounds) of the Burial Act 1857(a) does not apply to a removal carried out in accordance with this article. (18) The Town and Country Planning (Churches, Places of Religious Worship and Burial</p>	



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		<p>Ground) Regulations 1950(b) does not apply to the authorised project. (19) Sections 238 (use and development of consecrated land) and 239 (use and development of burial grounds) of the 1990 Act apply— (a) in relation to land, other than a right over land, acquired for the purposes of the authorised project (whether or not by agreement), so as to permit use by the undertaker in accordance with the provisions of this Order; and (b) in relation to a right over land so acquired (whether or not by agreement), or the temporary use of land pursuant to articles 27 (temporary use of land for carrying out the authorised project) and 28 (temporary use of land for maintaining the authorised project), so as to permit the exercise of that right or the temporary use by the undertaker in accordance with the provisions of this Order, without prejudice to the status of the land over which the right is exercised as consecrated land, and in section 238(1)(b) of the 1990 Act reference to a “planning permission” includes this Order, in section 240(1) of the 1990 Act reference to “regulations made for the purposes of sections</p>	<p>Ground) Regulations 1950(b) does not apply to the authorised project. (19) Sections 238 (use and development of consecrated land) and 239 (use and development of burial grounds) of the 1990 Act apply— (a) in relation to land, other than a right over land, acquired for the purposes of the authorised project (whether or not by agreement), so as to permit use by the undertaker in accordance with the provisions of this Order; and (b) in relation to a right over land so acquired (whether or not by agreement), or the temporary use of land pursuant to articles 27 (temporary use of land for carrying out the authorised project) and 28 (temporary use of land for maintaining the authorised project), so as to permit the exercise of that right or the temporary use by the undertaker in accordance with the provisions of this Order, without prejudice to the status of the land over which the right is exercised as consecrated land, and in section 238(1)(b) of the 1990 Act reference to a “planning permission” includes this Order, in section 240(1) of the 1990 Act reference to “regulations made for the purposes of sections</p>	



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		238(3) and (4) and 239(2)" means, so far as applicable to land or a right over land acquired under this Order, paragraphs (2) to (16) of this article and in section 240(3) of the 1990 Act reference to a "statutory undertaker" includes the undertaker and reference to "any other enactment" includes this Order.	238(3) and (4) and 239(2)" means, so far as applicable to land or a right over land acquired under this Order, paragraphs (2) to (16) of this article and in section 240(3) of the 1990 Act reference to a "statutory undertaker" includes the undertaker and reference to "any other enactment" includes this Order.	
4.	28. Temporary use of land for maintaining the authorised project	28 (2) Paragraph (1) does not authorise the undertaker to take temporary possession of— (a) any house or garden belonging to a house; or (b) any building (other than a house) if it is for the time being occupied.	28 (2) Paragraph (1) does not authorise the undertaker to take temporary possession of— (a) any house or garden belonging to a house; or (b) any building (other than a house) if it is for the time being occupied. (c) any land identified in the Land Plans and Book of Reference as Class 10 land.	To align with article 27(1)(a)(ii) in ensuring that class 10 land cannot be used for carrying out or maintaining the authorised project.
5.	49. Defence to proceedings in respect of statutory nuisance	Defence to proceedings in respect of statutory nuisance 49.— (1) Where proceedings are brought under section 82(1) (summary proceedings by persons aggrieved by statutory nuisance) of the Environmental Protection Act 1990(a) in relation to a nuisance falling within paragraphs (g) (noise emitted from premises so as to be prejudicial to health or a nuisance) and (ga) (noise from vehicles,	Defence to proceedings in respect of statutory nuisance 49.— (1) Where proceedings are brought under section 82(1) (summary proceedings by persons aggrieved by statutory nuisance) of the Environmental Protection Act 1990(a) in relation to a nuisance falling within paragraphs (g) (noise emitted from premises so as to be prejudicial to health or a nuisance) and (ga) (noise from vehicles,	Reference to the operational noise requirement reflects that a proposed operational noise limit requirement has been introduced in the ExAs schedule of changes to the dDCO. New requirements are currently labelled alphabetically, so numbering and cross referencing would need updating to reflect this.



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		<p>machinery or equipment in a street) of section 79(1) of that Act no order must be made, and no fine must be imposed, under section 82(2) of that Act if—</p> <p>(a) the defendant shows that the nuisance—</p> <p>(i) relates to premises used by the undertaker for the purposes of or in connection with the construction or maintenance of the authorised project and that the nuisance is attributable to the carrying out of the authorised project in accordance with a notice served under section 60 (control of noise on construction sites) or a consent given under section 61 (prior consent for work on construction sites) of the Control of Pollution Act 1974(b); or</p> <p>(ii) relates to premises used by the undertaker for the purposes of or in connection with the construction of the authorised project and that the nuisance is attributable</p>	<p>machinery or equipment in a street) of section 79(1) of that Act no order must be made, and no fine must be imposed, under section 82(2) of that Act if—</p> <p>(a) the defendant shows that the nuisance—</p> <p>(i) relates to premises used by the undertaker for the purposes of or in connection with the construction or maintenance of the authorised project and that the nuisance is attributable to the carrying out of the authorised project in accordance with a notice served under section 60 (control of noise on construction sites) or a consent given under section 61 (prior consent for work on construction sites) of the Control of Pollution Act 1974(b); or</p> <p>(ii) relates to premises used by the undertaker for the purposes of or in connection with the construction of the authorised project and that the nuisance is attributable</p>	<p>Reference to the code of construction practice is to be removed for consistency.</p> <p>The ExA has considered ESC [REP5-172] comments regarding the need for wording such as “that it cannot, to the reasonable satisfaction of East Suffolk Council reasonably be avoided” but notes that such wording is not routinely included in statutory nuisance provisions for DCOs and its need is not clearly demonstrated for the proposed development.</p>



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		<p>to the carrying out of the authorised project in accordance with the controls and measures relating to noise as described in the relevant Onshore Construction Environmental Management Plan or the relevant Construction Noise and Vibration Management Plan; or</p> <p>(iii) is a consequence of the construction or maintenance of the authorised project and that it cannot reasonably be avoided; or</p> <p>(iv) is a consequence of complying with a requirement of this Order and that it cannot reasonably be avoided; or</p> <p>(b) the defendant shows that the nuisance—</p> <p>(i) relates to premises used by the undertaker for the purposes of or in connection with the use of the authorised project and that the nuisance is attributable to the use of the authorised project which is</p>	<p>to the carrying out of the authorised project in accordance with the controls and measures relating to noise as described in the relevant Onshore Construction Environmental Management Plan or the relevant Construction Noise and Vibration Management Plan; or</p> <p>(iii) is a consequence of the construction or maintenance of the authorised project and that it cannot reasonably be avoided; or</p> <p>(iv) is a consequence of complying with a requirement of this Order and that it cannot reasonably be avoided; or</p> <p>(b) the defendant shows that the nuisance—</p> <p>(i) relates to premises used by the undertaker for the purposes of or in connection with the use of the authorised project and that the nuisance is attributable to the use of the authorised project which is</p>	



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		<p>being used in accordance with the measures contained within the Register of Environmental Actions and Commitments;</p> <p>or</p> <p>(ii) is a consequence of the use of the authorised project and that it cannot reasonably be avoided.</p> <p>(2) For the purposes of paragraph (1) above, compliance with the controls and measures relating to noise described in the relevant code of construction practice, the CEMP, the Register of Environmental Commitments and the Construction Noise and Vibration Management Plan will be sufficient, but not necessary, to show that an alleged nuisance could not reasonably be avoided.</p> <p>(3) Where a relevant planning authority is acting in accordance with section 60(4) and section 61(4) of the Control of Pollution Act 1974 in relation to the construction of the authorised project then the local authority must also have regard to the controls and measures relating to noise referred to in the relevant code of construction practice, the CEMP or</p>	<p>being used in accordance with the measures contained within the Register of Environmental Actions and Commitments;</p> <p>or</p> <p>(ii) is a consequence of the use of the authorised project and that it cannot reasonably be avoided.</p> <p>(2) For the purposes of paragraph (1) above, compliance with Requirement A (Control of operational noise), and the controls and measures relating to noise described in the relevant code of construction practice, the CEMP, the Register of Environmental Commitments and the Construction Noise and Vibration Management Plan will be sufficient, but not necessary, to show that an alleged nuisance could not reasonably be avoided.</p> <p>(3) Where a relevant planning authority is acting in accordance with section 60(4) and section 61(4) of the Control of Pollution Act 1974 in relation to the construction of the authorised project then the local authority must also have regard to the controls and measures relating to noise referred</p>	



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		<p>the Construction Noise and Vibration Management Plan approved under Schedule 3 (Requirements).</p> <p>(4) Section 61(9) (prior consent for work on construction site to include statement that it does not of itself constitute a defence to proceedings under section 82 of the Environmental Protection Act 1990) of the Control of Pollution Act 1974 does not apply where the consent relates to the use of premises by the undertaker for the purposes of or in connection with the construction or maintenance of the authorised project.</p> <p>(5) In this article “premises” has the same meaning as in section 79 of the Environmental Protection Act 1990(a).</p>	<p>to in the relevant code of construction practice, the CEMP or the Construction Noise and Vibration Management Plan approved under Schedule 3 (Requirements).</p> <p>(4) Section 61(9) (prior consent for work on construction site to include statement that it does not of itself constitute a defence to proceedings under section 82 of the Environmental Protection Act 1990) of the Control of Pollution Act 1974 does not apply where the consent relates to the use of premises by the undertaker for the purposes of or in connection with the construction or maintenance of the authorised project.</p> <p>(5) In this article “premises” has the same meaning as in section 79 of the Environmental Protection Act 1990(a).</p>	
6.	51. Felling or Lopping	<p>Felling or lopping 51.—</p> <p>(1) The undertaker may fell, lop, prune, cut, trim, coppice, pollard, or reduce in height or width, any tree, shrub, shrubbery, hedgerow, or important hedgerow under or within or overhanging or near any part of the authorised project, or cut back its roots, if it reasonably believes it to be necessary to do so to prevent</p>	<p>Felling or lopping 51.—</p> <p>(1) The undertaker may fell, lop, prune, cut, trim, coppice, pollard, or reduce in height or width, any tree, shrub, shrubbery, hedgerow, or important hedgerow under or within or overhanging or near any part of the authorised project, or cut back its roots, if it reasonably believes it to be necessary to do so to prevent</p>	<p>The ExA has considered the revised provisions in the REAC [REP6-134] and considers that ambiguity remains regarding the need to retain ancient and veteran trees. It therefore proposes a mechanism to secure relevant planning authority approval for the removal of trees that had been identified as being</p>



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		<p>the tree, shrub, shrubbery, hedgerow or important hedgerow—</p> <p>(a) from obstructing or interfering with the construction, maintenance or operation of the authorised project or any apparatus used in connection with the authorised project; or</p> <p>(b) from constituting a danger to persons constructing, maintaining, or operating or decommissioning the authorised project.</p> <p>(2) In carrying out any activity authorised by paragraph (1), the undertaker must not cause any unnecessary damage to any tree, shrubbery or hedgerow, or important hedgerow and must pay compensation to any person for any loss or damage arising from such activity.</p> <p>(3) Any dispute as to a person's entitlement to compensation under paragraph (2), or as to the amount of compensation, must be determined under Part 1 of the 1961 Act.</p> <p>(4) Subject at all times to paragraph (8), the undertaker must not pursuant to paragraph (1) fell, lop, prune, cut, trim, coppice, pollard, or reduce in height or width a tree within or overhanging the</p>	<p>the tree, shrub, shrubbery, hedgerow or important hedgerow—</p> <p>(a) from obstructing or interfering with the construction, maintenance or operation of the authorised project or any apparatus used in connection with the authorised project; or</p> <p>(b) from constituting a danger to persons constructing, maintaining, or operating or decommissioning the authorised project.</p> <p>(2) In carrying out any activity authorised by paragraph (1), the undertaker must not cause any unnecessary damage to any tree, shrubbery or hedgerow, or important hedgerow and must pay compensation to any person for any loss or damage arising from such activity.</p> <p>(3) Any dispute as to a person's entitlement to compensation under paragraph (2), or as to the amount of compensation, must be determined under Part 1 of the 1961 Act.</p> <p>(4) Subject at all times to paragraph (8), the undertaker must not pursuant to paragraph (1) fell, lop, prune, cut, trim, coppice, pollard, or reduce in height or width a tree within or overhanging the</p>	<p>retained in the Arboricultural Impact Assessment, if this is deemed to be necessary for safety reasons during the course of construction and there are no alternatives.</p> <p>The Arboricultural Impact Assessment referenced in the new text is to be added as a certified document.</p>



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		<p>extent of the public highway without the consent of the relevant highway authority.</p> <p>(5) If the relevant highway authority fails to notify the undertaker of its decision within 35 days (or such other period as agreed by the relevant highways authority and the undertaker) of receiving an application for consent under paragraph (4) the relevant highway authority is deemed to have granted consent. (a) 2004 c. 18. 44</p> <p>(6) Any application for consent under paragraph (4) must include a statement that the provisions of paragraph (5) apply to that application.</p> <p>(7) If an application for consent under paragraph (4) does not include the statement required under paragraph (6), then the provisions of paragraph (5) will not apply to that application.</p> <p>(8) The consent of the relevant highway authority is not required under paragraph (4) where—</p> <p>(a) the tree to be felled, lopped, pruned, cut, trimmed, coppiced, pollarded, or reduced in height or width is described or shown on the Trees and Hedgerows to be Removed or Managed Plans; and</p>	<p>extent of the public highway without the consent of the relevant highway authority.</p> <p>(5) If the relevant highway authority fails to notify the undertaker of its decision within 35 days (or such other period as agreed by the relevant highways authority and the undertaker) of receiving an application for consent under paragraph (4) the relevant highway authority is deemed to have granted consent. (a) 2004 c. 18. 44</p> <p>(6) Any application for consent under paragraph (4) must include a statement that the provisions of paragraph (5) apply to that application.</p> <p>(7) If an application for consent under paragraph (4) does not include the statement required under paragraph (6), then the provisions of paragraph (5) will not apply to that application.</p> <p>(8) The consent of the relevant highway authority is not required under paragraph (4) where—</p> <p>(a) the tree to be felled, lopped, pruned, cut, trimmed, coppiced, pollarded, or reduced in height or width is described or shown on the Trees and Hedgerows to be Removed or Managed Plans; and</p>	



No	Article / Schedule	Text as set out in the draft DCO [REP6-004]	ExA's Recommended Amendment	Reason and Notes
		<p>(b) the undertaker has given 5 days notice to the relevant highway authority of its intention to carry out any of the operations described in sub-paragraph (a).</p> <p>(9) The power conferred by paragraph (1) removes any obligation upon the undertaker to secure any consent to remove hedgerows under the Hedgerows Regulations 1997(a).</p> <p>(10) In this article "hedgerow" and "important hedgerow" have the same meaning as in the Hedgerow Regulations 1997.</p>	<p>(b) the undertaker has given 5 days notice to the relevant highway authority of its intention to carry out any of the operations described in sub-paragraph (a).</p> <p>(9) The power conferred by paragraph (1) removes any obligation upon the undertaker to secure any consent to remove hedgerows under the Hedgerows Regulations 1997(a).</p> <p>(10) In this article "hedgerow" and "important hedgerow" have the same meaning as in the Hedgerow Regulations 1997.</p> <p>(11) the power conferred by paragraph (1) does not apply to any trees identified as ancient or veteran in the Arboricultural Impact Assessment, unless it has previously been agreed by the relevant planning authority that they are unsafe and there is no alternative to their removal.</p>	
SCHEDULES				
Schedule 1, Authorised Project				
7.	Title preceding Work No 6	In the Districts of East Suffolk and Dover	In the Districts of East Suffolk, Thanet and Dover	Works described are also located in Thanet.
Schedule 3, Requirements				
8.	Requirement 3(1)	3.—(1) Suffolk Converter Station, Kent Converter Station and Kent Substation	3.—(1) Suffolk Converter Station, Kent Converter Station and Kent Substation	The amendments are to make the requirement more precise and to allow scale, layout and



No	Article / Schedule	Text as set out in the draft DCO [REP6-004]	ExA's Recommended Amendment	Reason and Notes
		<p>(a) No construction of buildings included in Works Nos. 3B, 9B and 11 (Suffolk converter station, Kent converter station and Kent substation) may commence until the design of that building has been submitted and approved by the relevant planning authority. The design must be substantially in accordance with the relevant Key Design Principles. Design details for Works No.9B and 11 may only be approved following consultation with Historic England and Dover District Council.</p> <p>(b) When discharging this requirement, the relevant planning authority must take into account that the undertaker must meet the Critical Design Constraints and that the undertaker may have limited choice over many aspects of the design and that the design must in the first instance be safe and secure, as recognised by EN-1 Paragraph 4.7.6 and EN-5 paragraph 2.4.3. The aspects where more flexibility may be available include the external colour, surface profile and finish of cladding and the roofline of the permanent buildings, although aspects of these elements will be</p>	<p>(a) No construction of buildings above ground works included in Works Nos. 3B, 9B and 11 (Suffolk converter station, Kent converter station and Kent substation) may commence until the design, the details of the design, scale, layout and external appearance of that building work has have been submitted and approved by the relevant planning authority. The design details must be substantially in accordance with the relevant Key Design Principles. Design details for Works No.9B and 11 may only be approved following consultation with Historic England and Dover District Council.</p> <p>(b) When discharging this requirement, the relevant planning authority must take into account that the undertaker must meet the Critical Design Constraints. and that the undertaker may have limited choice over many aspects of the design and that the design must in the first instance be safe and secure, as recognised by EN-1 Paragraph 4.7.6 and EN-5 paragraph 2.4.3. The aspects where more flexibility may be available include the external colour, surface profile and finish of</p>	<p>external appearance to be controlled. Removed superfluous wording regarding the flexibility needed by the applicant.</p> <p>The additional wording requiring the post-consent independent design review is needed due to the low level of design detail at the application stage.</p>



No	Article / Schedule	Text as set out in the draft DCO [REP6-004]	ExA's Recommended Amendment	Reason and Notes
		<p>fixed through technical requirements.</p> <p>(c) In sub-paragraphs (2)(a) and (2)(b), the Key Design Principles and Critical Design Constraints mean those set out in the relevant tables in the Design Principles – Suffolk and Design Principles – Kent, certified under article 60 (certification of documents). For avoidance of doubt, in sub-paragraphs 3(1)(a) and 3(1)(b) the construction of buildings does not include the construction of the platform or other elements of the authorised project that are not above finished ground level in the location of the buildings.</p> <p>(d) The authorised development must be carried out in accordance with the details approved or confirmed by the relevant planning authority further to sub-paragraphs (2)(a) and (2)(b).</p>	<p>cladding and the roofline of the permanent buildings, although aspects of these elements will be fixed through technical requirements.</p> <p>(c) In sub-paragraphs (21)(a) and (21)(b), the Key Design Principles and Critical Design Constraints mean those set out in the relevant tables in the Design Principles – Suffolk and Design Principles – Kent, certified under article 60 (certification of documents). For avoidance of doubt, in sub-paragraphs 3(1)(a) and 3(1)(b) the construction of buildings does not include the construction of the platform or other elements of the authorised project that are not above finished ground level in the location of the buildings.</p> <p>(d) In submitting the details set out in paragraph (1)(a), a statement must be included confirming the detailed design has been reviewed by an independent design review panel along with the actions taken.</p> <p>(e) (d) The authorised development must be carried out in accordance with the details approved or confirmed by the relevant planning</p>	



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			authority further to sub-paragraphs (21)(a) and (21)(b).	
9.	Requirement 3(2)	<p>(2) Suffolk Substation (Friston)</p> <p>(a) Unless otherwise approved by the relevant planning authority, the Suffolk Substation (Work No 1B) will be constructed in accordance with the following details (which accord with the documents submitted for the discharge of Requirement 12 of part 3 of schedule 1 to SI 2022/433):</p> <p>(i) Substation buildings will be clad in metal cladding using either cool sky tones, light/mid-range ground colours, and darker hedgerow/woodland elements. These colours would include RAL DESIGN 240 80 05, RAL DESIGN 110 60 20 or RAL DESIGN 120 50 05 or similar.</p> <p>(ii) The roof cladding should match the colour of the uppermost wall cladding on the buildings.</p> <p>(iii) The door colour should match the colour of the cladding around it.</p> <p>(iv) Perimeter security fences would be coloured</p>	<p>2) Suffolk Substation (Friston)</p> <p>(a) Unless otherwise approved by the relevant planning authority, the Suffolk Substation (Work No 1B) will be constructed in accordance with the following details (which accord with within the documents submitted for the discharge of Requirement 12 of part 3 of schedule 1 to SI 2022/433):</p> <p>insofar as those details relate to the design and external appearance of Work No. 1B.</p> <p>(i) Substation buildings will be clad in metal cladding using either cool sky tones, light/mid-range ground colours, and darker hedgerow/woodland elements. These colours would include RAL DESIGN 240 80 05, RAL DESIGN 110 60 20 or RAL DESIGN 120 50 05 or similar.</p> <p>(ii) The roof cladding should match the colour of the uppermost wall cladding on the buildings.</p> <p>(iii) The door colour should match the colour of the cladding around it.</p>	<p>The recommended wording requires that details of the design and external appearance are the same as those approved under the East Anglia One North and East Anglia 2 development consent orders. The wording does not require that the scale and layout are the same, as the ExA recognises that these may need to differ for technical reasons. Without this control, the relevant planning authority would have no control over the design or external appearance of the substation.</p>



No	Article / Schedule	Text as set out in the draft DCO [REP6-004]	ExA's Recommended Amendment	Reason and Notes
		<p>green (RAL DESIGN 110 60 20 or similar).</p> <p>(b) Insofar as the details approved pursuant to Requirement 12 of SI 2022/433 are amended or if the East Anglia TWO or East Anglia ONE North projects do not progress as 97 currently planned, then the relevant planning authority shall have regard to such circumstances when considering whether to approve otherwise pursuant to paragraph (a).</p>	<p>(iv) Perimeter security fences would be coloured green (RAL DESIGN 110 60 20 or similar).</p> <p>(b) Insofar as the details approved pursuant to Requirement 12 of SI 2022/433 are amended or if the East Anglia TWO or East Anglia ONE North projects do not progress as 97 currently planned, then the relevant planning authority shall have regard to such circumstances when considering whether to approve otherwise pursuant to paragraph (a).</p>	
10.	Requirement 3(3)	<p>(3) Bridge over the River Fromus</p> <p>(a) Development of the bridge crossing of the River Fromus (part of Work No. 3a) must not commence until details of the design of the bridge have been submitted to and approved by the relevant planning authority, following consultation with the Environment Agency.</p> <p>(b) The bridge over the River Fromus should be designed in accordance with the following parameters:</p> <p>(i) the bridge shall not have a soffit height lower than 10.49 m Above Ordnance</p>	<p>(3) Bridge over the River Fromus</p> <p>(a) Development of the bridge crossing of the River Fromus (part of Work No. 3a) must not commence until details of the design, layout, scale and external appearance of the bridge have been submitted to and approved by the relevant planning authority, following consultation with the Environment Agency.</p> <p>(b) The bridge over the River Fromus should be designed in accordance with the following parameters:</p> <p>(i) the bridge shall not have a soffit height lower than</p>	<p>The ExA welcomes the introduction of controls over the design of the bridge, but considers that the layout, scale and external appearance also need to be controlled in view of the sensitivity of the location in landscape, visual and heritage terms.</p> <p>Sub-paragraph 3(f) has been added to ensure that the development is carried out in accordance with the approved details.</p>



No	Article / Schedule	Text as set out in the draft DCO [REP6-004]	ExA's Recommended Amendment	Reason and Notes
		<p>Datum (approximately 4m above the Q95 flow level); (ii) abutments for the bridge shall be set back no less than 8m from the top of the bank; and (iii) the bridge shall not have a deck width greater than 6m.</p> <p>(c) The design details submitted under (a) must be accompanied by a technical statement demonstrating how, recognising the minimum size parameters in sub-paragraph (b)(i) and (ii), the Applicant has sought to reduce the scale of the bridge, having regard to the relationship with the landscape mitigation proposals, the articulation of the spanning structure, the design of the abutment walls, and the design of the parapet railings. The technical statement will include a plan, elevation and section drawings, and 3D renders of the bridge design in key view VP02 and CH02.</p> <p>(d) Should the bridge design comprise a soffit height of less than 12.49 m Above Ordnance Datum (approximately 6m above the Q95 flow level), then development of the</p>	<p>10.49 m Above Ordnance Datum (approximately 4m above the Q95 flow level); (ii) abutments for the bridge shall be set back no less than 8m from the top of the bank; and (iii) the bridge shall not have a deck width greater than 6m.</p> <p>(c) The design details submitted under (a) must be accompanied by a technical statement demonstrating how, recognising the minimum size parameters in sub-paragraph (b)(i) and (ii), the Applicant has sought to reduce the scale of the bridge, having regard to the relationship with the landscape mitigation proposals, the articulation of the spanning structure, the design of the abutment walls, and the design of the parapet railings. The technical statement will include a plan, elevation and section drawings, and 3D renders of the bridge design in key view VP02 and CH02.</p> <p>(d) Should the bridge design comprise a soffit height of less than 12.49 m Above Ordnance Datum (approximately 6m above the Q95</p>	



No	Article / Schedule	Text as set out in the draft DCO [REP6-004]	ExA's Recommended Amendment	Reason and Notes
		<p>bridge must not commence until a macro invertebrate monitoring and contingency plan has been submitted to and approved by the relevant planning authority, following consultation with the Environment Agency. The invertebrate monitoring and contingency plan must include:</p> <p>(i) The requirement to carry out Water Framework Directive compliant surveys twice yearly (spring and autumn), upstream and downstream of the Fromus crossing for a period of five years following completion of the construction of the Fromus crossing.</p> <p>(ii) Principles of the contingency monetary fund set out in (e) and criteria for when provision of the fund would be triggered.</p> <p>(e) Following receipt and review of the monitoring results under (d)(i), should the criteria in (d)(ii) be exceeded, then a contingency fund would be provided to fund measures to encourage the passage of macro invertebrates around the Fromus crossing and/or</p>	<p>flow level), then development of the bridge must not commence until a macro invertebrate monitoring and contingency plan has been submitted to and approved by the relevant planning authority, following consultation with the Environment Agency. The invertebrate monitoring and contingency plan must include:</p> <p>(i) The requirement to carry out Water Framework Directive compliant surveys twice yearly (spring and autumn), upstream and downstream of the Fromus crossing for a period of five years following completion of the construction of the Fromus crossing.</p> <p>(ii) Principles of the contingency monetary fund set out in (e) and criteria for when provision of the fund would be triggered.</p> <p>(e) Following receipt and review of the monitoring results under (d)(i), should the criteria in (d)(ii) be exceeded, then a contingency fund would be provided to fund measures to encourage the passage of macro invertebrates</p>	



No	Article / Schedule	Text as set out in the draft DCO [REP6-004]	ExA's Recommended Amendment	Reason and Notes
		enhancement of Water Framework Directive invertebrate habitat upstream of the Fromus crossing. This would be secured via an appropriate legal agreement.	around the Fromus crossing and/or enhancement of Water Framework Directive invertebrate habitat upstream of the Fromus crossing. This would be secured via an appropriate legal agreement. (f) The development shall be carried out in accordance with the details approved by the relevant planning authority further to sub-paragraph (3)(a).	
11.	Requirement 3(4)	(4) No operational lighting may be installed as part of Work No. 3B, 9B or 11 until an Operational Lighting Management Plan for that stage of the works has been submitted and approved by the relevant planning authority, which must be substantially in accordance with the outline Operational Lighting Management Plan.	(4) No operational lighting may be installed as part of Work No. 3B, 9B or 11 until an Operational Lighting Management Plan for that stage of the works has been submitted and approved by the relevant planning authority, which must be substantially in accordance with the outline Operational Lighting Management Plan. The lighting shall be installed and operated in accordance with the approved Operational Lighting Management Plan.	The ExA welcomes the addition of operational lighting controls, but additional wording is necessary to ensure that the lighting is installed and operated in accordance with the approved plan.
12.	Requirement 3(5)	(5) If Work No. 1B is constructed as part of the Authorised Project, an Operational Lighting Management Plan will be submitted and approved by the relevant planning authority prior to	(5) If Work No. 1B is constructed as part of the Authorised Project, an Operational Lighting Management Plan will be submitted and approved by the relevant planning authority prior to the installation of operational	The ExA welcomes the addition of operational lighting controls, but additional wording is necessary to ensure that the lighting is installed and operated in accordance with the approved plan.



No	Article / Schedule	Text as set out in the draft DCO [REP6-004]	ExA's Recommended Amendment	Reason and Notes
		the installation of operational lighting at the substation.	lighting at the substation. The lighting shall be installed and operated in accordance with the approved Operational Lighting Management Plan.	
13.	Requirement 4	<p>4.—(1) Unless otherwise agreed with the relevant planning authority, written notice setting out the anticipated programme for the carrying out of pre-commencement operations must be given to the relevant planning authority no less than seven days prior to the date on which those pre-commencement operations are first carried out.</p> <p>(2) The authorised development may not commence until a written scheme setting out all stages of the authorised development has been submitted to the relevant planning authority.</p> <p>(3) Any revisions to the written scheme referred to in subparagraph 4(2) above must be submitted to the relevant planning authority in advance of the commencement of the stage of the authorised development to which the revisions relate.</p> <p>(4) Written notice of the completion of construction for each stage of the authorised development, and</p>	<p>4.—(1) Unless otherwise agreed with the relevant planning authority, written notice setting out the anticipated programme for the carrying out of pre-commencement operations must be given to the relevant planning authority no less than 28 seven days prior to the date on which those pre-commencement operations are first carried out.</p> <p>(2) The authorised development may not commence until a written scheme setting out all stages of the authorised development has been submitted to the relevant planning authority.</p> <p>(3) Any revisions to the written scheme referred to in subparagraph 4(2) above must be submitted to the relevant planning authority in advance of the commencement of the stage of the authorised development to which the revisions relate.</p> <p>(4) Written notice of the completion of construction for each stage of the authorised development, and</p>	The ExA agrees with Suffolk County Council (SCC) [REP6-237] that 28 days is a more proportionate and reasonable time period.



No	Article / Schedule	Text as set out in the draft DCO [REP6-004]	ExA's Recommended Amendment	Reason and Notes
		the operational use of that part of the authorised development, must be given to the relevant planning authority within 28 days of the relevant event being completed. (5) The authorised development must be carried out in accordance with the written scheme submitted further to sub-paragraphs (2) or (3).	the operational use of that part of the authorised development, must be given to the relevant planning authority within 28 days of the relevant event being completed. (5) The authorised development must be carried out in accordance with the written scheme submitted further to sub-paragraphs (2) or (3).	
14.	Requirement 5 (2) (c)	(c) Skills, Supply Chain and Employment Plan	(c) Skills, Supply Chain and Employment Plan	The ExA consider at this stage that the Skills, Supply Chain and Employment Plan should be an outline document with a final document to be agreed by the relevant councils.
15.	Requirement 6	6.—(1) No stage of the authorised development may commence until, for that stage, the following plans as relevant to that stage have been submitted to and approved by the relevant planning authority or other discharging authority as may be appropriate to the relevant plan, scheme or strategy concerned (in consultation with the relevant district or county council, the Environment Agency in the case of the Onshore Construction Environmental Management Plan, Construction Noise and Vibration Management Plans and the Material and Waste Management Plan, and in consultation with	6.—(1) No stage of the authorised development may commence until, for that stage, the following plans as relevant to that stage have been submitted to and approved by the relevant planning authority or other discharging authority as may be appropriate to the relevant plan, scheme or strategy concerned (in consultation with the relevant district or county council, the Environment Agency in the case of the Onshore Construction Environmental Management Plan, Construction Noise and Vibration Management Plans and the Material and Waste Management Plan, and in consultation with	<p>The ExA considers that the use of the term 'substantially' would add ambiguity rather than clarity and is concerned how the terminology would be interpreted in practice.</p> <p>The ExA is of the view that the management plans must be in accordance with the outline management plans and has altered the wording to ensure clarity.</p> <p>The ExA has added the Skills, Supply Chain and Employment Plan to be approved.</p>



No	Article / Schedule	Text as set out in the draft DCO [REP6-004]	ExA's Recommended Amendment	Reason and Notes
		<p>Natural England in the case of the Landscape and Ecological Management Plans and Drainage Management Plans, and in consultation with the National Trust in relation to the Landscape and Ecological Management Plan - Kent)—</p> <p>(a) Onshore Construction Environmental Management Plan (which must be substantially in accordance with the Onshore Outline Construction Environmental Management Plan);</p> <p>(b) Construction Traffic Management and Travel Plan – Suffolk (which must be substantially in accordance with the Outline Construction Traffic Management and Travel Plan – Suffolk);</p> <p>(c) Construction Traffic Management and Travel Plan – Kent (which must be substantially in accordance with the Outline Construction Traffic Management and Travel Plan – Kent);</p> <p>(d) Air Quality Management Plan – Suffolk (which must be substantially in accordance with the Outline Air Quality Management Plan – Suffolk); (e) Air Quality Management Plan – Kent (which</p>	<p>Natural England in the case of the Landscape and Ecological Management Plans and Drainage Management Plans, and in consultation with the National Trust in relation to the Landscape and Ecological Management Plan - Kent)—</p> <p>(a) Onshore Construction Environmental Management Plan (which must be substantially in accordance with the Onshore Outline Construction Environmental Management Plan);</p> <p>(b) Construction Traffic Management and Travel Plan – Suffolk (which must be substantially in accordance with the Outline Construction Traffic Management and Travel Plan – Suffolk);</p> <p>(c) Construction Traffic Management and Travel Plan – Kent (which must be substantially in accordance with the Outline Construction Traffic Management and Travel Plan – Kent);</p> <p>(d) Air Quality Management Plan – Suffolk (which must be substantially in accordance with the Outline Air Quality Management Plan – Suffolk); (e) Air Quality Management Plan – Kent (which</p>	<p>The ExA considers that any replacement planting should be subject to the same management and monitoring arrangements (including management periods) as agreed for original planting through the approval of the Landscape and Ecological Management Plans under subparagraph (1) to secure the ongoing management of the landscape planting in the DCO in case of failure of planting.</p>



No	Article / Schedule	Text as set out in the draft DCO [REP6-004]	ExA's Recommended Amendment	Reason and Notes
		<p>must be substantially in accordance with the Outline Air Quality Management Plan – Kent);</p> <p>(f) Landscape and Ecological Management Plan (LEMP) – Suffolk (which must be substantially in accordance with the Outline LEMP – Suffolk)</p> <p>(g) Landscape and Ecological Management Plan (LEMP) – Kent (which must be substantially in accordance with the Outline LEMP – Kent);</p> <p>(h) Construction Noise and Vibration Management Plan (NVMP) – Suffolk (which must be substantially in accordance with the Outline Construction NVMP - Suffolk);</p> <p>(i) Construction Noise and Vibration Management Plan (NVMP) – Kent (which must be substantially in accordance with the Outline NVMP – Kent);</p> <p>(j) Public Rights of Way (PRoW) Management Plan – Suffolk (which must be substantially in accordance with the Outline PRoW - Suffolk)</p> <p>(k) Public Rights of Way (PRoW) Management Plan – Kent (which must be substantially in</p>	<p>must be substantially in accordance with the Outline Air Quality Management Plan – Kent);</p> <p>(f) Landscape and Ecological Management Plan (LEMP) – Suffolk (which must be substantially in accordance with the Outline LEMP – Suffolk)</p> <p>(g) Landscape and Ecological Management Plan (LEMP) – Kent (which must be substantially in accordance with the Outline LEMP – Kent);</p> <p>(h) Construction Noise and Vibration Management Plan (NVMP) – Suffolk (which must be substantially in accordance with the Outline Construction NVMP - Suffolk);</p> <p>(i) Construction Noise and Vibration Management Plan (NVMP) – Kent (which must be substantially in accordance with the Outline NVMP – Kent);</p> <p>(j) Public Rights of Way (PRoW) Management Plan – Suffolk (which must be substantially in accordance with the Outline PRoW - Suffolk)</p> <p>(k) Public Rights of Way (PRoW) Management Plan – Kent (which must be substantially in</p>	



No	Article / Schedule	Text as set out in the draft DCO [REP6-004]	ExA's Recommended Amendment	Reason and Notes
		<p>accordance with the Outline PRoW - Kent);</p> <p>(l) Soil Management Plan – Suffolk (which must be substantially in accordance with the Outline Soil Management Plan - Suffolk);</p> <p>(m) Soil Management Plan – Kent (which must be substantially in accordance with the Outline Soil Management Plan - Kent);</p> <p>(n) Material and Waste Management Plan - Suffolk (which must be substantially in accordance with the Outline Material and Waste Management Plan – Suffolk and such approval to be given in consultation with the Environment Agency);</p> <p>(o) Material and Waste Management Plan - Suffolk (which must be substantially in accordance with the Outline Material and Waste Management Plan – Kent and such approval to be given in consultation with the Environment Agency);</p> <p>(p) Drainage Management Plan - Suffolk (which must be substantially in accordance with the Suffolk Drainage Strategy);</p> <p>(q) Drainage Management Plan – Kent (which must be substantially</p>	<p>accordance with the Outline PRoW - Kent);</p> <p>(l) Soil Management Plan – Suffolk (which must be substantially in accordance with the Outline Soil Management Plan - Suffolk);</p> <p>(m) Soil Management Plan – Kent (which must be substantially in accordance with the Outline Soil Management Plan - Kent);</p> <p>(n) Material and Waste Management Plan - Suffolk (which must be substantially in accordance with the Outline Material and Waste Management Plan – Suffolk and such approval to be given in consultation with the Environment Agency);</p> <p>(o) Material and Waste Management Plan - Suffolk (which must be substantially in accordance with the Outline Material and Waste Management Plan – Kent and such approval to be given in consultation with the Environment Agency);</p> <p>(p) Drainage Management Plan - Suffolk (which must be substantially in accordance with the Suffolk Drainage Strategy);</p> <p>(q) Drainage Management Plan – Kent (which must be substantially</p>	



No	Article / Schedule	Text as set out in the draft DCO [REP6-004]	ExA's Recommended Amendment	Reason and Notes
		<p>in accordance with the Kent Drainage Strategy); and (r) Flood Management Plan (FMP). (2) The authorised development must be carried out in accordance with the relevant stage of the approved plans, schemes and strategies referred to in sub-paragraph (1) or with any amended plans, schemes or strategies that may subsequently be approved by the relevant planning authority or other discharging authority as may be appropriate to the relevant plan, scheme or strategy concerned unless otherwise agreed with the relevant planning authority or other discharging authority as may be appropriate.</p> <p>(3) All landscaping must be carried out and maintained in accordance with the Landscape and Ecological Management Plans approved under sub-paragraph (1), and in accordance with the relevant recommendations of appropriate British Standards.</p> <p>(4) Any tree or shrub planted as part of an approved Landscape and Ecological Management Plans that, within a period of five years after planting, is removed, dies or becomes, in the opinion of the</p>	<p>in accordance with the Kent Drainage Strategy); and (r) Flood Management Plan (FMP). (s) Skills, Supply Chain and Employment Plan</p> <p>(2) The authorised development must be carried out in accordance with the relevant stage of the approved plans, schemes and strategies referred to in sub-paragraph (1) or with any amended plans, schemes or strategies that may subsequently be approved by the relevant planning authority or other discharging authority as may be appropriate to the relevant plan, scheme or strategy concerned unless otherwise agreed with the relevant planning authority or other discharging authority as may be appropriate.</p> <p>(3) All landscaping must be carried out and maintained in accordance with the Landscape and Ecological Management Plans approved under sub-paragraph (1), and in accordance with the relevant recommendations of appropriate British Standards.</p> <p>(4) Any tree or shrub planted as part of an approved Landscape and Ecological Management Plans that, within a period of five years</p>	



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		relevant planning authority, seriously damaged or diseased, must be replaced in the first available planting season with a specimen of the same species and size as that originally planted unless alternative timing or a different specimen is otherwise approved by the relevant planning authority.	after planting, is removed, dies or becomes, in the opinion of the relevant planning authority, seriously damaged or diseased, must be replaced in the first available planting season with a specimen of the same species and size as that originally planted unless alternative timing or a different specimen is otherwise approved by the relevant planning authority. Any replacement planting will be subject to the same management and monitoring arrangements (including management periods) as agreed for original planting through the approval of the Landscape and Ecological Management Plans under sub-paragraph (1).'	



No	Article / Schedule	Text as set out in the draft DCO [REP6-004]	ExA's Recommended Amendment	Reason and Notes
16.	Requirement 7	<p>Construction hours</p> <p>(1) Subject to sub-paragraphs (2), (3), (4) and (7) onshore construction work may only take place between 0700 and 1900 Monday to Friday and between 0700 and 1700 on Saturdays, Sundays and Bank Holidays (the core working hours), unless otherwise approved by the relevant planning authority. There will be no working on Bank Holidays in respect of Work No. 3B, Work No. 9B, and Work No. 11, except for the operations described in sub-paragraph (4) below or with the prior agreement of the local planning authority. In respect of those works, for Bank Holiday Mondays (meaning Easter Monday, the early May bank holiday, the Spring bank holiday, and the summer bank holiday) there will also be no working on the preceding Saturday or Sunday in each case.</p> <p>(2) Percussive piling works are limited to 0700 to 1900 Monday to Friday and 0700 to 1700 on Saturdays and may not occur on Sundays or Bank Holidays, unless otherwise approved by the relevant planning authority.</p>	<p>Construction hours</p> <p>(1) Subject to sub-paragraphs (2), (3), (4) and (7) onshore construction work may only take place between 0700 and 1900 Monday to Friday and between 0700 and 1700 1300 on Saturdays, with no activity on Sundays or bank holidays, Sundays and Bank Holidays (the core working hours), unless otherwise approved by the relevant planning authority. There will be no working on Bank Holidays in respect of Work No. 3B, Work No. 9B, and Work No. 11, except for the operations described in sub-paragraph (4) below or with the prior agreement of the local planning authority. In respect of those works, for Bank Holiday Mondays (meaning Easter Monday, the early May bank holiday, the Spring bank holiday, and the summer bank holiday) there will also be no working on the preceding Saturday or Sunday in each case.</p> <p>(2) Percussive piling works are limited to 0700 to 1900 Monday to Friday and 0700 to 1700 1300 on Saturdays and may not occur on Sundays or Bank Holidays, unless</p>	<p>The ExA considers the need for more restrictive core hours to provide some respite for local residents. This would also benefit the tourism industry for Kent and Suffolk by not including after 1300 hours on Saturday or on Sundays as core hours for works.</p>



No	Article / Schedule	Text as set out in the draft DCO [REP6-004]	ExA's Recommended Amendment	Reason and Notes
		<p>(3) Subject to sub-paragraph (4), HGV deliveries are limited to 0700 to 1900 Monday to Friday and 0700 to 1700 on Saturdays and may not occur on Sundays or Bank Holidays, unless otherwise approved by the relevant highway authority.</p> <p>(4) The following operations may take place outside the core working hours referred to in sub-paragraph (1)—</p> <p>(a) trenchless crossing operations including at landfalls and beneath highways, railway lines, woodlands, nature reserves, Sites of Special Scientific Interest or watercourses;</p> <p>(b) the installation and removal of conductors, pilot wires and associated protective netting across highways, railway lines or watercourses;</p> <p>(c) the jointing of underground cables;</p> <p>(d) the continuation of any work activity commenced during the core working hours to a point where they can securely and or safely be paused;</p>	<p>otherwise approved by the relevant planning authority.</p> <p>(3) Subject to sub-paragraph (4), HGV deliveries are limited to 0700 to 1900 Monday to Friday and 0700 to 1300 1700 on Saturdays and may not occur on Sundays or Bank Holidays, unless otherwise approved by the relevant highway authority.</p> <p>(4) The following operations may take place outside the core working hours referred to in sub-paragraph (1)—</p> <p>(a) trenchless crossing operations including at landfalls and beneath highways, railway lines, woodlands, nature reserves, Sites of Special Scientific Interest or watercourses;</p> <p>(b) the installation and removal of conductors, pilot wires and associated protective netting across highways, railway lines or watercourses;</p> <p>(c) the jointing of underground cables;</p> <p>(d) the continuation of any work activity commenced during the core working hours to a point where they can securely and or safely be paused;</p>	



No	Article / Schedule	Text as set out in the draft DCO [REP6-004]	ExA's Recommended Amendment	Reason and Notes
		<p>(e) delivery to the transmission works of abnormal loads and any highway works requested by the highway authority to be undertaken outside the core working hours;</p> <p>(f) the testing or commissioning of any electrical plant installed as part of the authorised development including undertaking of any identified corrective activities;</p> <p>(g) the completion of works delayed or held up by severe weather conditions which disrupted or interrupted normal construction activities;</p> <p>(h) activity necessary in the instance of an emergency where there is a risk to persons or property;</p> <p>(i) marine works (all works below the mean high water springs line);</p> <p>(j) security monitoring;</p> <p>(k) intrusive and non-intrusive surveys;</p> <p>(l) mechanical and electrical installation works within buildings once erected and enclosed;</p> <p>(m) any highway works requested by the highway authority to be undertaken outside the core working hours; and</p>	<p>(e) delivery to the transmission works of abnormal loads and any highway works requested by the highway authority to be undertaken outside the core working hours;</p> <p>(f) the testing or commissioning of any electrical plant installed as part of the authorised development including undertaking of any identified corrective activities;</p> <p>(g) the completion of works delayed or held up by severe weather conditions which disrupted or interrupted normal construction activities;</p> <p>(h) activity necessary in the instance of an emergency where there is a risk to persons or property;</p> <p>(i) marine works (all works below the mean high water springs line);</p> <p>(j) security monitoring;</p> <p>(k) intrusive and non-intrusive surveys;</p> <p>(l) mechanical and electrical installation works within buildings once erected and enclosed;</p> <p>(m) any highway works requested by the highway authority to be undertaken outside the core working hours; and</p>	



No	Article / Schedule	Text as set out in the draft DCO [REP6-004]	ExA's Recommended Amendment	Reason and Notes
		<p>(n) any railway works to be undertaken as part of the project on a Saturday, Sunday, Bank Holiday or outside the core working hours.</p> <p>(5) The core working hours referred to in sub-paragraph (1) exclude start-up and close down activities up to 1 hour either side of the core working hours. A 50dBA noise limit (LOAEL) will apply at the nearest noise-sensitive receptor for start-up and close down activities.</p> <p>(6) The severe weather conditions referred to in sub-paragraph (4)(g) means any weather which prevents work from taking place during the core working hours referred to in sub-paragraph (1) and, as the case may be, the hours referred to in sub-paragraph (3) by reason of physical incapacity (whether for reasons of visibility, ground conditions, power availability, site access, wind or otherwise) or being contrary to safe working practices.</p> <p>(7) In respect of Work No.1A and Work No. 1B, construction work may only take place between 0700 hours and 1900 hours Monday to Friday and 0700 hours and 1300 hours on Saturdays, with no activity</p>	<p>(n) any railway works to be undertaken as part of the project on a Saturday, Sunday, Bank Holiday or outside the core working hours.</p> <p>(5) The core working hours referred to in sub-paragraph (1) exclude start-up and close down activities up to 1 hour either side of the core working hours. A 50dBA noise limit (LOAEL) will apply at the nearest noise-sensitive receptor for start-up and close down activities.</p> <p>(6) The severe weather conditions referred to in sub-paragraph (4)(g) means any weather which prevents work from taking place during the core working hours referred to in sub-paragraph (1) and, as the case may be, the hours referred to in sub-paragraph (3) by reason of physical incapacity (whether for reasons of visibility, ground conditions, power availability, site access, wind or otherwise) or being contrary to safe working practices.</p> <p>(7) In respect of Work No.1A and Work No. 1B, construction work may only take place between 0700 hours and 1900 hours Monday to Friday and 0700 hours and 1300 hours on Saturdays, with no activity</p>	



No	Article / Schedule	Text as set out in the draft DCO [REP6-004]	ExA's Recommended Amendment	Reason and Notes
		<p>on Sundays or bank holidays, except as specified in sub-paragraph (8). These working hours will also apply to those elements of Work No. 4, Work No. 13, Work No. 15 and Work No. 17 insofar as they are works required to construct, operate and/or mitigate the environmental impacts of Work No.1A and Work No.1B.</p> <p>(8) Outside the hours specified in sub-paragraph (7), construction work may be undertaken for essential activities including but not limited to—</p> <p>(a) continuous periods of operation that are required as assessed in the environmental statement, such as concrete pouring and the installation and removal of conductors, pilot wires and associated protective netting across highways or public footpaths;</p> <p>(b) internal fitting out works associated with the substation;</p> <p>(c) the completion of construction activities commenced during the approved working hours which cannot safely be stopped;</p>	<p>on Sundays or bank holidays, except as specified in sub-paragraph (8). These working hours will also apply to those elements of Work No. 4, Work No. 13, Work No. 15 and Work No. 17 insofar as they are works required to construct, operate and/or mitigate the environmental impacts of Work No.1A and Work No.1B.</p> <p>(8) Outside the hours specified in sub-paragraph (7), construction work may be undertaken for essential activities including but not limited to—</p> <p>(a) continuous periods of operation that are required as assessed in the environmental statement, such as concrete pouring and the installation and removal of conductors, pilot wires and associated protective netting across highways or public footpaths;</p> <p>(b) internal fitting out works associated with the substation;</p> <p>(c) the completion of construction activities commenced during the approved working hours which cannot safely be stopped;</p>	



No	Article / Schedule	Text as set out in the draft DCO [REP6-004]	ExA's Recommended Amendment	Reason and Notes
		<p>(d) the testing or commissioning of any electrical plant installed as part of the authorised development; and</p> <p>(e) activity necessary in the instance of an emergency where there is a risk to persons or property.</p> <p>(9) With the exception of activities undertaken in accordance with sub-paragraph (8)(e), the timing and duration of construction work undertaken in accordance with sub-paragraph (8) and, where works do not fall within sub-paragraphs (8)(a) to (e), whether such works are essential, must be approved by the relevant planning authority in writing in advance, and must be carried out within the approved time.</p>	<p>(d) the testing or commissioning of any electrical plant installed as part of the authorised development; and</p> <p>(e) activity necessary in the instance of an emergency where there is a risk to persons or property.</p> <p>(9) With the exception of activities undertaken in accordance with sub-paragraph (8)(e), the timing and duration of construction work undertaken in accordance with sub-paragraph (8) and, where works do not fall within sub-paragraphs (8)(a) to (e), whether such works are essential, must be approved by the relevant planning authority in writing in advance, and must be carried out within the approved time.</p>	
17.	Requirement 14	<p>14.—(1) The authorised development must be undertaken in accordance with the following documents as relevant to the location of the works unless otherwise agreed with the relevant planning authority:</p> <p>(a) Outline Onshore Overarching Written Scheme of Investigation – Suffolk for onshore works</p>	<p>14.—(1) The authorised development must be undertaken in accordance with the following documents as relevant to the location of the works unless otherwise agreed with the relevant planning authority:</p> <p>(a) Outline Onshore Overarching Written Scheme of Investigation – Suffolk for onshore works</p>	<p>The ExA consider that the change, as requested by SCC [REP6-141], is necessary to secure the archaeological work at an appropriate time.</p>



No	Article / Schedule	Text as set out in the draft DCO [REP6-004]	ExA's Recommended Amendment	Reason and Notes
		<p>within the county of Suffolk; and (b) Outline Onshore Overarching Written Scheme of Investigation – Kent for onshore works within the county of Kent. (2) No stage of the authorised development may commence until for that stage either a preservation in situ Historic Environment Management Plan or a site-specific written scheme of investigation (which accords with the relevant Overarching Written Scheme of Investigation and is informed by the pre-commencement archaeological surveys) has been submitted to and approved by the relevant planning authority, in consultation with Historic England. (3) Site-specific written schemes of investigation must be in accordance with the outline written scheme of investigation and must identify areas where archaeological works are required and the measures to be taken to protect, record or preserve any significant archaeological remains that may be found and must include:— (a) an assessment of significance and research questions;</p>	<p>within the county of Suffolk; and (b) Outline Onshore Overarching Written Scheme of Investigation – Kent for onshore works within the county of Kent; and (2) No stage of the authorised development may commence, including any pre-commencement works in that stage, until for that stage either a preservation in situ Historic Environment Management Plan or a site-specific written scheme of investigation (which accords with the relevant Overarching Written Scheme of Investigation and is informed by the pre-commencement archaeological surveys) has been submitted to and approved by the relevant planning authority, in consultation with Historic England. (3) Site-specific written schemes of investigation must be in accordance with the outline written scheme of investigation and must identify areas where archaeological works are required and the measures to be taken to protect, record or preserve any significant archaeological remains that may be found and must include:—</p>	



No	Article / Schedule	Text as set out in the draft DCO [REP6-004]	ExA's Recommended Amendment	Reason and Notes
		<p>(b) the programme of methodology of site investigation and reporting;</p> <p>(c) the programme for post-investigation assessment;</p> <p>(d) proposals for providing for the analysis of site investigation and recording;</p> <p>(e) proposals for providing archive deposition of the analysis and records of the site investigation;</p> <p>(f) nomination of a competent person or persons/organisation to undertake the works set out within the detailed written scheme of investigation; and</p> <p>(g) an implementation timetable.</p> <p>(4) All archaeological works must be carried out in accordance with the approved site-specific written scheme of investigation for that stage.</p> <p>(5) Unless otherwise agreed with the relevant planning authority:</p> <p>(a) No later than two years following the completion of the fieldwork specified in each site-specific written scheme of investigation, a site-specific post excavation assessment for that site must be completed in accordance with the Overarching Archaeological Written</p>	<p>(a) an assessment of significance and research questions;</p> <p>(b) the programme of methodology of site investigation and reporting</p> <p>(c) the programme for post-investigation assessment;</p> <p>(d) proposals for providing for the analysis of site investigation and recording;</p> <p>(e) proposals for providing archive deposition of the analysis and records of the site investigation;</p> <p>(f) nomination of a competent person or persons/organisation to undertake the works set out within the detailed written scheme of investigation; and</p> <p>(g) an implementation timetable.</p> <p>(4) All archaeological works must be carried out in accordance with the approved site-specific written scheme of investigation for that stage, prior also to the commencement of any pre-commencement works in that stage.</p> <p>(5) Unless otherwise agreed with the relevant planning authority:</p> <p>(a) No later than two years following the completion of the fieldwork specified in each</p>	



No	Article / Schedule	Text as set out in the draft DCO [REP6-004]	ExA's Recommended Amendment	Reason and Notes
		<p>Scheme of Investigation and submitted to the relevant planning authority for approval;</p> <p>(b) No later than one year following the approval of the final site-specific post excavation assessment, an archaeological updated project design for all sites, must be submitted to the relevant planning authority for approval. The archaeological updated project design must be produced in general accordance with the Overarching Archaeological Written Scheme of Investigation, include details of the scope of post-excavation analysis and publication and have regard to the site-specific research agendas set out in the site-specific written schemes of investigation;</p> <p>(c) Post-excavation analysis and publication must be carried out in accordance with the approved archaeological updated project design;</p> <p>(d) The full archaeological archive must be submitted to the relevant planning authority in accordance with the archaeological updated project design.</p>	<p>site-specific written scheme of investigation, a site-specific post excavation assessment for that site must be completed in accordance with the Overarching Archaeological Written Scheme of Investigation and submitted to the relevant planning authority for approval;</p> <p>(b) No later than one year following the approval of the final site-specific post excavation assessment, an archaeological updated project design for all sites, must be submitted to the relevant planning authority for approval. The archaeological updated project design must be produced in general accordance with the Overarching Archaeological Written Scheme of Investigation, include details of the scope of post-excavation analysis and publication and have regard to the site-specific research agendas set out in the site-specific written schemes of investigation;</p> <p>(c) Post-excavation analysis and publication must be carried out in accordance with the approved archaeological updated project design;</p>	



No	Article / Schedule	Text as set out in the draft DCO [REP6-004]	ExA's Recommended Amendment	Reason and Notes
			(d) The full archaeological archive must be submitted to the relevant planning authority in accordance with the archaeological updated project design.	
18.	Requirement 16	<p>Trenchless Landfall Techniques 16.—</p> <p>(1) In respect of installation of the landfall aspects of Work No.6, trenchless techniques shall be utilised between the onshore transition joint bay and the exit pits.</p> <p>(2) No exit to trenchless landfall techniques must occur within 105m of saltmarsh habitat within Pegwell Bay.</p> <p>(3) The temporary working area will be located at a minimum distance of 50m from the edge of the saltmarsh habitat within Pegwell Bay.</p> <p>(4) No exit to trenchless landfall techniques must occur within 50m of MLWS at Leiston to Aldeburgh SSSI.</p> <p>(5) No exit to trenchless landfall techniques must occur within 45m east of the continual Coralline Crag outcrop in Suffolk.</p>	<p>Trenchless Landfall Techniques 16.—</p> <p>(1) In respect of installation of the landfall aspects of Work No.6, trenchless techniques shall be utilised between the onshore transition joint bay and the exit pits.</p> <p>(2) No exit to trenchless landfall techniques must occur within 105m of saltmarsh habitat within Pegwell Bay.</p> <p>(3) The temporary working area will be located at a minimum distance of 50m from the edge of the saltmarsh habitat within Pegwell Bay.</p> <p>(4) No exit to trenchless landfall techniques must occur within 50m of MLWS at Leiston to Aldeburgh SSSI.</p> <p>(5) No eExit to trenchless landfall techniques must occur at least 45m east of the continual Coralline Crag outcrop in Suffolk (as identified in plate 2.3 of the Coralline Crag technical note).</p> <p>(6) Pneumatic casing installation shall not be used unless</p>	<p>The ExA welcomes the inclusion of the provisions discussed at issue specific hearing 3 (ISH3) relating to the Coralline Crag and the saltmarsh, however it considers that the wording of 16(5) is ambiguous and could allow for exit closer to the foreshore. The ExA has therefore proposed an amendment for clarity. This will also require the list of certified documents to be updated.</p> <p>Noise impacts of pneumatic casing installation are not assessed in the environmental statement and whilst references to non-pneumatic casing are now included in documents such as the Cable Specification and Installation Plan (oCSIP) [REP6-136], the ExA considers that for the avoidance of doubt, specific reference to pneumatic casing is required in the DCO.</p>



No	Article / Schedule	Text as set out in the draft DCO [REP6-004]	ExA's Recommended Amendment	Reason and Notes
			<p>otherwise agreed in writing with the MMO, following provision of appropriate underwater noise assessment and agreement of any relevant mitigation proposals.</p> <p>(7) No open cut trenching will be permitted for the repair and maintenance of cables installed by trenchless techniques at the landfall, unless otherwise approved by the relevant planning authority in consultation with Natural England.</p>	<p>The applicant's assessment assumes that cable repairs at trenchless landfall crossings will not require open cut techniques due to available spare ducts. In light of the designated sites present at each landfall, the draft DCO secures that no open cut is allowed unless formally approved by the relevant planning authority in consultation with the Statutory Nature Conservation Body (SNCB).</p>
19.	Requirement 18	<p>River Stour Channel 18.—</p> <p>(1) This requirement is necessary as it manages the risk of erosion in the area and the secondary risk of harm to habitat and protected species.</p> <p>(2) No installation of the marine cables in Pegwell Bay may commence until a monitoring and contingency plan has been submitted to and approved by the Marine Management Organisation in consultation with the relevant planning authority and the Environment Agency.</p> <p>(3) The marine and contingency plan will—</p>	<p>River Stour Channel 18.—</p> <p>(1) This requirement is necessary as it manages the risk of erosion in the area and the secondary risk of harm to habitat and protected species.</p> <p>(2) No installation of the marine cables in Pegwell Bay may commence until a monitoring and contingency plan has been submitted to and approved by the Marine Management Organisation in consultation with the relevant planning authority and the Environment Agency.</p> <p>(3) The marine and contingency plan will—</p>	<p>Requirement 18(1) appears to be the Environment Agency's justification for inclusion of the proposed requirement, rather than requirement wording.</p>



No	Article / Schedule	Text as set out in the draft DCO [REP6-004]	ExA's Recommended Amendment	Reason and Notes
		<p>(a) set out monitoring proposals for the River Stour Channel within Pegwell Bay throughout the operational life of the cables. Monitoring will be undertaken annually for the first five years following installation of the cables after which the frequency and scope of monitoring will be reviewed in consultation with the Environment Agency; and</p> <p>(b) set out actions that will be undertaken where monitoring demonstrates a need for potential remediation as a result of the River Stour channel migrating to within 50m of the installed cables. In such circumstances, and unless otherwise agreed with the Environment Agency, cable lowering would be the primary mitigation method and no mitigation would be proposed involving the use of sheet piling or dredging.</p> <p>(4) Mitigation and remediation measures will be agreed with and approved by the Environment Agency prior to the undertaking of any remedial works.</p>	<p>(a) set out monitoring proposals for the River Stour Channel within Pegwell Bay throughout the operational life of the cables. Monitoring will be undertaken annually for the first five years following installation of the cables after which the frequency and scope of monitoring will be reviewed in consultation with the Environment Agency; and</p> <p>(b) set out actions that will be undertaken where monitoring demonstrates a need for potential remediation as a result of the River Stour channel migrating to within 50m of the installed cables. In such circumstances, and unless otherwise agreed with the Environment Agency, cable lowering would be the primary mitigation method and no mitigation would be proposed involving the use of sheet piling or dredging.</p> <p>(43) Mitigation and remediation measures will be agreed with and approved by the Environment Agency prior to the undertaking of any remedial works.</p>	
Schedule 3, New Requirements				
20.	A: New operational noise requirement	New requirement – controls currently in REAC	Control of operational noise A –	There was extensive discussion regarding how and what noise



No	Article / Schedule	Text as set out in the draft DCO [REP6-004]	ExA's Recommended Amendment	Reason and Notes
	for Suffolk and Kent		<p>(1) During normal operation of the Saxmundham Converter Station (Work No. 3B) the rating level ($L_{Ar,Tr}$) of noise emitted from the development, shall not exceed [32dB] at any noise sensitive receptor, when assessed at a position 1 metre from the façade of the receptor (free field equivalent).</p> <p>(2) During normal operation of the Minster Converter Station and Substation (Work No. 9B and 11) the combined rating level ($L_{Ar,Tr}$) of noise emitted from the development, shall be at least 5dB below background noise levels at any noise sensitive receptor, when assessed at a position 1 metre from the façade of the receptor (free field equivalent).</p> <p>(3) During normal operation of the Friston-Kiln Lane Substation (Work No. 1B), the rating level ($L_{Ar,Tr}$) of noise emitted from the development, shall be at least 5dB below background noise levels at any noise sensitive receptor, when assessed at a position 1 metre from the façade of the receptor (free field equivalent).</p> <p>(4) The rating level referred to in subparagraphs (1) to (3) above shall be determined in accordance</p>	<p>limits should be secured at both ISH2 and ISH3. The ExA has given consideration to these arguments and reviewed previous consents within the Suffolk area and is of the view that in light of the substantial concern expressed regarding operational noise impacts and for consistency with previous consents which accepted the principle of securing noise limits by requirement, this application should also be subject to noise requirements.</p> <p>The ExA has reviewed comments from the applicant and the local authorities regarding the proposed limits that should be achieved at noise sensitive receptors (NSR). The ExA is mindful that both Suffolk and Kent have low background noise levels.</p> <p>The ExA is satisfied that 5dB below background is secured in respect of the Friston-Kiln Lane Substation and the applicant has confirmed that this is achievable based on the detailed design.</p>



No	Article / Schedule	Text as set out in the draft DCO [REP6-004]	ExA's Recommended Amendment	Reason and Notes
			<p>with BS 4142:2014+A1:2019 and include all applicable acoustic corrections for tonality, impulsivity, intermittency and any other relevant characteristics. The reference method set out in Annex D to BS 4142:2014+A1:2019 shall be used in the assessment of whether tonal penalties apply.</p> <p>(6) Work No. 1B, 3B, 9B and 11 must not operate until a scheme for monitoring compliance with the noise rating level or levels set out in sub-paragraph (1) to (3) above has been submitted to and approved by the relevant planning authority. The scheme must be based on principles set out in BS 4142:2014+A1:2019.</p> <p>(7) In order to demonstrate that the noise levels have been achieved after commencement of the operation of Work No. 1B, 3B, 9B and 11 at full capacity, the scheme referenced in sub-paragraph (6) above must identify–</p> <p>(a) the required meteorological and other conditions under which the measurements will be taken, acknowledging that data obtained during emergency operation or testing of certain plant and</p>	<p>With respect to the Kent Converter and Substation site, the applicant's operational noise assessment [AS-123] table 1.6 clearly states that with 'standard' mitigation it is possible to achieve 5dB below background at the nearest noise sensitive receptors and has used this to assume no significant operational noise effect. The ExA is therefore unclear why the applicant's operational noise technical note [REP6-128] argues for achievement of a 34dB level. A level 5dB below background is incorporated in the dDCO.</p> <p>In Suffolk the equivalent table 1.6 of the operational noise assessment suggests that the worst-case operational noise level would be 32dB (a maximum 10dB above the background level). Given that 32dB has been assessed by the applicant as the worst case and that 10dB is typically considered to be the threshold of significant effects (albeit noting Suffolk Energy Action Solutions (SEAS) comments about the wording of BS4142 [REP2-122]). The ExA</p>



No	Article / Schedule	Text as set out in the draft DCO [REP6-004]	ExA's Recommended Amendment	Reason and Notes
			<p>equipment is not to be taken into account;</p> <p>(b) suitable monitoring locations (and alternative surrogate locations if appropriate); and</p> <p>(c) times when the monitoring is to take place.</p> <p>to demonstrate that the noise levels have been achieved after—</p> <p>(d) initial commencement of operation; and</p> <p>(e) after six months of operation</p> <p>(8) The monitoring scheme must be implemented as approved.</p> <p>(9) In the event that the Friston-Kiln Lane Substation (Work No. 1B) is delivered under Work No. 2 of this Order, to ensure that it does not result in exceedances of the operational noise rating levels at the substation site at Grove Wood, Friston, Work No. 2 must not operate until a scheme for monitoring compliance with the noise rating levels set out in Requirement 27 of the East Anglia TWO DCO (SI 2022/433) has been submitted to and approved by the relevant planning authority.</p> <p>(10) In addition to the design details referenced in requirement 3(1)(a), written details of the final plant specification, layout and any</p>	<p>considers that a noise limit of 32dB would be reasonable.</p> <p>The ExA considers that initial monitoring of the operational sites is required, to ensure that the sites operate as designed and assessed. In addition, submission of details, updated modelling and justification that noise levels are as low as reasonably practicable (as proposed by SEAS [REP6-256c]) are included to demonstrate that every effort has been made to reduce noise levels in these very low ambient noise areas.</p> <p>The ExA has considered Thanet District Council (TDC) [REP6-186] and SEAS [REP6-256c] etc comments regarding low frequency noise and whilst noting that such matters would be considered as part of the BS4142 assessment, the provision to secure no greater than 10dB difference between the a-weighted and c-weighted sound levels is proposed to assist in avoiding excessive low frequency noise emissions.</p>



No	Article / Schedule	Text as set out in the draft DCO [REP6-004]	ExA's Recommended Amendment	Reason and Notes
			<p>noise mitigation, together with updated noise modelling, demonstrating that the design achieves the noise limits in subparagraphs (1) to (3) as a minimum, shall be submitted to and approved in writing by the relevant planning authority. The design details shall be accompanied by a report demonstrating that the lowest reasonably practicable operational noise levels have been achieved. The report shall also demonstrate that the difference between the C-weighted and A-weighted equivalent continuous sound pressure levels ($L_{Ceq,T} - L_{Aeq,T}$) measured at the nearest noise sensitive receptors to Works No 3B, 9B and 11 shall not exceed 10dB during operation.</p> <p>(11) Work No. 1B, 3B, 9B and 11 must be implemented as approved in subparagraph (10) and thereafter be operated in accordance with the approved details.</p>	
21.	B: New requirement to Mitigate Intra-project cumulative effects	New requirement	Mitigation of Intra-project cumulative effects B – Once detailed design is complete and detailed construction and programme information is available, the undertaker commits	The ExA considers that REAC commitment GG40 should be secured within the DCO so that it is enforceable.



No	Article / Schedule	Text as set out in the draft DCO [REP6-004]	ExA's Recommended Amendment	Reason and Notes
			<p>to undertaking a review of the intra-project cumulative effects assessment submitted with the application (as amended during the Examination) in collaboration with the relevant local authorities to consider:</p> <p>(a) if the significant intra-project cumulative effects are still considered likely to occur; and</p> <p>(b) if they are still considered likely to occur, what additional appropriate mitigation measures may be applied to reduce their significance; and</p> <p>(c) if no such mitigation measures are available, what additional appropriate offsetting measures may be applied following the mitigation hierarchy.</p> <p>(d) any such mitigation or offsetting measures must be agreed with the relevant local authorities, including a timetable for their implementation, and once agreed shall be implemented in accordance with the terms of such timetable</p>	<p>The recommended drafting also includes changes as proposed by SCC in responding to 2WQ [PD-021] 2CEIntra2 as the ExA considers these to be reasonable and necessary.</p> <p>These changes ensure that offsetting measures must be explored and implemented, where possible, if there are no appropriate mitigation measures available. It also includes a mechanism for implementing any such mitigation or offsetting measures once agreed by the relevant local authorities.</p>
Schedule 4, Discharge of Requirements				
22.	1. Applications made under requirements	1.—(1) Where an application has been made to a relevant authority for any consent, agreement or approval required by a	1.—(1) Where an application has been made to a relevant authority for any consent, agreement or approval required by a	The ExA considers that given the volume of NSIPs within the local authority areas and the need to allow for consultation and proper



No	Article / Schedule	Text as set out in the draft DCO [REP6-004]	ExA's Recommended Amendment	Reason and Notes
		<p>Requirement (including consent, agreement or approval in respect of part of a Requirement), the relevant authority must give notice to the undertaker of its decision on the application within a period of 35 days beginning with— (a) where no further information is requested under paragraph 2, the day immediately following that on which the application is received by the authority;</p> <p>(b) where further information is requested under paragraph 2, the day immediately following that on which further information has been supplied by the undertaker; or</p> <p>(c) such longer period as may be agreed in writing by the undertaker and the relevant authority.</p> <p>(2) Subject to sub-paragraph (3), in the event that the relevant authority does not determine an application within the period set out in sub-paragraph (1), the relevant authority is taken to have granted all parts of the application (without any condition or qualification) at the end of that period.</p> <p>(3) Where—</p> <p>(a) an application has been made to the relevant authority for any consent, agreement or approval</p>	<p>Requirement (including consent, agreement or approval in respect of part of a Requirement), the relevant authority must give notice to the undertaker of its decision on the application within a period of 56 35 days beginning with— (a) where no further information is requested under paragraph 2, the day immediately following that on which the application is received by the authority;</p> <p>(b) where further information is requested under paragraph 2, the day immediately following that on which further information has been supplied by the undertaker; or</p> <p>(c) such longer period as may be agreed in writing by the undertaker and the relevant authority.</p> <p>(2) Subject to sub-paragraph (3), in the event that the relevant authority does not determine an application within the period set out in sub-paragraph (1), the relevant authority is taken to have granted all parts of the application (without any condition or qualification) at the end of that period.</p> <p>(3) Where—</p> <p>(a) an application has been made to the relevant authority for any consent, agreement or approval</p>	<p>scrutiny, that a 56 day period is reasonable and appropriate.</p>



No	Article / Schedule	Text as set out in the draft DCO [REP6-004]	ExA's Recommended Amendment	Reason and Notes
		required by a Requirement included in this Order; (b) the relevant authority does not determine such application within the period set out in sub-paragraph (1); and (c) the application is accompanied by a report that considers it likely that the subject matter of the application is to give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement, then the application is taken to have been refused by the relevant authority at the end of that period.	required by a Requirement included in this Order; (b) the relevant authority does not determine such application within the period set out in sub-paragraph (1); and (c) the application is accompanied by a report that considers it likely that the subject matter of the application is to give rise to any materially new or materially different environmental effects in comparison with those reported in the environmental statement, then the application is taken to have been refused by the relevant authority at the end of that period.	
Schedule 16, Deemed Marine Licence				
23.	Condition 3(12)	(12) In case of exposure of cables on or above the seabed, the undertaker must, within five days following identification of a cable exposure, notify mariners by issuing a notice to mariners and by informing Kingfisher Information Service of the location and extent of exposure. Copies of all notices must be provided to the MMO, MCA, Trinity House, Kingfisher Information Service of Seafish and UK Hydrographic Office within seven days of the exposure identification.	In case of exposure of cables on or above the seabed, the undertaker must, within five days following identification of a cable exposure, and as soon as reasonably practicable within the Areas of Safeguarded Water Depth (and no later than five days) , by issuing a notice to mariners and by informing Kingfisher Information Service of the location and extent of exposure. Copies of all notices must be provided to the MMO, MCA, Trinity House, Kingfisher Information Service of Seafish and	Additional wording is required to make it clear that a notice should be issued as soon as reasonably practicable in Areas of Safeguarded Water Depth and no later than five days.



No	Article / Schedule	Text as set out in the draft DCO [REP6-004]	ExA's Recommended Amendment	Reason and Notes
			UK Hydrographic Office within seven days of the exposure identification.	
24.	Condition 4 (1)	<p>Pre-construction plans and documentation</p> <p>4.—(1) The licensed activities or any part of those activities under Work No. 6, save for trial trenching, must not commence until the following plans in respect of those activities have been submitted to and approved in writing by the MMO, such approval to be within a period of six months from submission (in consultation with Natural England, the JNCC, MCA, the Environment Agency, PLA, Trinity House and Cefas)—</p> <p>(a) a Cable Specification and Installation Plan document in respect of those licensed activities, which is in substantial accordance with the principles set out in the outline 223 Cable Specification and Installation Plan and which has been informed by a cable burial risk assessment which shall include details of—</p> <p>(i) a sediment disposal management plan;</p> <p>(ii) technical specification of offshore cables below MHWS, including a desk-</p>	<p>Pre-construction plans and documentation</p> <p>4.—(1) The licensed activities or any part of those activities under Work No. 6, save for trial trenching, must not commence until the following plans in respect of those activities have been submitted to and approved in writing by the MMO, such approval to be within a period of six months from submission (in consultation with Natural England, the JNCC, MCA, the Environment Agency, PLA, Trinity House and Cefas)—</p> <p>(a) an intertidal works methodology and mitigation plan for Pegwell Bay.</p> <p>(ab) a Cable Specification and Installation Plan document in respect of those licensed activities, which is in substantial accordance with the principles set out in the outline 223 Cable Specification and Installation Plan and which has been informed by a cable burial risk assessment which shall include details of—</p> <p>(i) a sediment disposal management plan;</p>	<p>In light of comments from Natural England [REP5-199] and the MMO [REP6-268], condition 4 makes specific provision for an intertidal works methodology and monitoring plan in Pegwell Bay.</p> <p>Paragraph 1.3.1 of the red-throated diver (RTD) protocol [REP6-090] implies that it is a) outline and b) part of the offshore outline construction environmental management plan, whilst draft deemed marine licence (dDML) original condition 4(1)(k) suggests that it is a stand-alone plan. The ExA has treated the RTD protocol as outline and stand alone, requiring agreement of the final version.</p> <p>The ExA considers that the changes to the original 4(1)(a)(iii) are necessary to allow MMO to have a final approval on the proposed route of the cable.</p> <p>The additional wording to the original 4(1)(b)(v) makes it clear that additional restrictions apply</p>



No	Article / Schedule	Text as set out in the draft DCO [REP6-004]	ExA's Recommended Amendment	Reason and Notes
		<p>based assessment of attenuation of electromagnetic deviation of the high voltage cable route, shielding and cable burial depth in accordance with industry good practice;</p> <p>(iii) location and timings;</p> <p>(iv) timings and duration of intertidal works;</p> <p>(v) a detailed cable laying and burial plan, incorporating a burial risk assessment encompassing the identification of any cable protection that exceeds 5% of navigable depth referenced to Chart Datum and, in the event that any area of cable protection exceeding 5% of navigable depth is identified, details of any steps (to be determined following consultation with the MCA and Trinity House) to be taken to ensure existing and future safe navigation is not compromised or similar such assessment to ascertain suitable burial depths and cable laying</p>	<p>(ii) technical specification of offshore cables below MHWS, including a desk-based assessment of attenuation of electromagnetic deviation of the high voltage cable route, shielding and cable burial depth in accordance with industry good practice;</p> <p>(iii) location and timings</p> <p>(iii) the proposed detailed location and route of offshore cables, including micro siting where necessary together with timings;</p> <p>(iv) timings and duration of intertidal works;</p> <p>(v) a detailed cable laying and burial plan, incorporating a burial risk assessment encompassing the identification of any cable protection and associated development or ancillary work that in the Areas of Safeguarded Water Depth would result in water depths being reduced in exceedance of the specified depths, or outside these areas would</p>	<p>in the Areas of Safeguarded Water Depth and is necessary for clarity and consistency.</p> <p>The ExA considers that the original 4(1)(i) should be amended to require a full and final monitoring report within condition 4.</p>



No	Article / Schedule	Text as set out in the draft DCO [REP6-004]	ExA's Recommended Amendment	Reason and Notes
		<p>techniques, including cable protection;</p> <p>(vi) a detailed cable protection plan;</p> <p>(vii) details of intended boulder removal;</p> <p>(viii) a marine pollution contingency plan; and</p> <p>(ix) a waste management plan;</p> <p>(b) an Offshore Construction Environment Management plan which is in substantial accordance with the principles set out in the outline Offshore Construction Environment Management Plan;</p> <p>(c) a Marine Mammal Mitigation Plan which is in substantial accordance with the principles set out in the outline Marine Mammal Mitigation Plan,</p> <p>(d) a Marine Non-Native Species (MNNS) Plan which is in substantial accordance with the principles set out in the outline Marine Non-Native Species Plan;</p> <p>(e) a marine bio-security plan;</p> <p>(f) a Fisheries Liaison and Co-existence Plan (FLCP) which is in substantial accordance with the principles set out in the outline Fisheries Liaison and Co-existence Plan;</p>	<p>exceed exceeds 5% of navigable depth referenced to Chart Datum exceeding 5% of navigable depth is identified, details of any steps (to be determined following consultation with the MCA and Trinity House) to be taken to ensure existing and future safe navigation is not compromised or similar such assessment to ascertain suitable burial depths and cable laying techniques, including cable protection;</p> <p>(vi) a detailed cable protection plan;</p> <p>(vii) details of intended boulder removal;</p> <p>(viii) a marine pollution contingency plan; and</p> <p>(ix) a waste management plan;</p> <p>(bc) an Offshore Construction Environment Management plan which is in substantial accordance with the principles set out in the outline Offshore Construction Environment Management Plan;</p> <p>(de) a Marine Mammal Mitigation Plan which is in substantial</p>	



No	Article / Schedule	Text as set out in the draft DCO [REP6-004]	ExA's Recommended Amendment	Reason and Notes
		<p>(g) a navigation and installation plan for the relevant stage which is in substantial accordance with the principles set out in the outline navigation and installation plan which shall include details of—</p> <ul style="list-style-type: none"> (i) planned protocols; (ii) concurrent activity restrictions; and (iii) weather constraints. <p>(h) details of cable protection, any obstructions in the intertidal area and any clumping of disused cables for the updating of charts; and</p> <p>(i) an In-Principle Monitoring plan which is in substantial accordance with the principles set out in the outline in-principle monitoring plan;</p> <p>(j) a landfall method statement in accordance with the construction methods assessed in the environmental statement;</p> <p>(k) a Red Throated Diver Protocol; and</p> <p>(l) Unless otherwise agreed in writing by the MMO, a chemical risk assessment submitted for approval no later than ten weeks prior to use, including (but not limited to) information regarding how and when chemicals are to be used, stored and transported in</p>	<p>accordance with the principles set out in the outline Marine Mammal Mitigation Plan,</p> <p>(de) a Marine Non-Native Species (MNNS) Plan which is in substantial accordance with the principles set out in the outline Marine Non-Native Species Plan;</p> <p>(ef) a marine bio-security plan;</p> <p>(fg) a Fisheries Liaison and Co-existence Plan (FLCP) which is in substantial accordance with the principles set out in the outline Fisheries Liaison and Co-existence Plan;</p> <p>(gh) a navigation and installation plan for the relevant stage which is in substantial accordance with the principles set out in the outline navigation and installation plan which shall include details of—</p> <ul style="list-style-type: none"> (i) planned protocols; (ii) concurrent activity restrictions; and (iii) weather constraints. <p>(hi) details of cable protection, any obstructions in the intertidal area and any clumping of disused cables for the updating of charts; and</p> <p>(i) an In-Principle Monitoring plan which is in substantial accordance</p>	



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		<p>accordance with recognised best practice guidance and standards, and in accordance with the conditions of this licence</p> <p>(m) Unless otherwise agreed in writing by the MMO, a site specific chemical risk assessment for any chemicals used for the licensed activities (outside the course of normal navigation) with a pathway to the marine environment, which should include—</p> <ul style="list-style-type: none"> (i) the function of the chemical, the quantities being used, the frequency of use, the location, and the estimated discharge; (ii) the management measures preventing the release into the marine environment; and (iii) the physical, chemical, and ecotoxicological properties of the chemical except where the chemical is present on the OSPAR List of Substances Used and Discharged Offshore which Are Considered to Pose Little or No Risk to the Environment (PLONOR), or chemicals where the MMO agree in writing that the 	<p>with the principles set out in the outline in-principle monitoring plan;</p> <p>(ij) a monitoring plan (which accords with the In-Principle Monitoring Plan) to include details of proposed pre-construction surveys, baseline report format and content, post-construction monitoring and related reporting in accordance with conditions D and F to be submitted to the MMO (unless otherwise agreed in writing by the MMO) in accordance with the following –</p> <ul style="list-style-type: none"> (i) at least six months prior to the first survey, details of the pre-condition surveys and an outline of all proposed monitoring; (ii) at least six months prior to completion of construction, detail of post-construction (and operational) monitoring; <p>(jk) a landfall method statement in accordance with the construction methods assessed in the environmental statement;</p> <p>(kl) a Red Throated Diver Protocol, which is in accordance with the</p>	



No	Article / Schedule	Text as set out in the draft DCO [REP6-004]	ExA's Recommended Amendment	Reason and Notes
		<p>management measures are sufficient to ensure no release into the marine environment.</p>	<p>principles set out in the outline Red Throated Diver Protocol; and (4m) Unless otherwise agreed in writing by the MMO, a chemical risk assessment submitted for approval no later than ten weeks prior to use, including (but not limited to) information regarding how and when chemicals are to be used, stored and transported in accordance with recognised best practice guidance and standards, and in accordance with the conditions of this licence (4n) Unless otherwise agreed in writing by the MMO, a site specific chemical risk assessment for any chemicals used for the licensed activities (outside the course of normal navigation) with a pathway to the marine environment, which should include—</p> <ul style="list-style-type: none"> (i) the function of the chemical, the quantities being used, the frequency of use, the location, and the estimated discharge; (ii) the management measures preventing the release into the marine environment; and (iii) the physical, chemical, and ecotoxicological 	



No	Article / Schedule	Text as set out in the draft DCO [REP6-004]	ExA's Recommended Amendment	Reason and Notes
			properties of the chemical except where the chemical is present on the OSPAR List of Substances Used and Discharged Offshore which Are Considered to Pose Little or No Risk to the Environment (PLONOR), or chemicals where the MMO agree in writing that the management measures are sufficient to ensure no release into the marine environment.	
25.	Condition 4(6)	(6) In undertaking the licensed activities, the undertaker must not reduce existing water depths between KP 33 and KP 38 unless agreed with the MMO in writing in consultation with the MCA and Trinity House.	(6) In undertaking the licensed activities, the undertaker must not reduce existing water depths between KP 33 and KP 38 in exceedance of the specified depths within the Areas of Safeguarded Water Depths unless agreed with the MMO in writing in consultation with the MCA and Trinity House.	The revised wording is necessary to reflect the limitations established in requirement 17.
26.	Condition 10	Trenchless Landfall Techniques 10.—(1) Landfall installation must only use trenchless landfall techniques between the onshore transition joint bay and the exit pits. (2) No exit to trenchless landfall techniques must occur within 50m	Trenchless Landfall Techniques 10.—(1) Landfall installation must only use trenchless landfall techniques between the onshore transition joint bay and the exit pits. (2) No exit to trenchless landfall techniques must occur within 50m	The ExA has proposed additional dDML wording for consistency with proposed revised wording of requirement 16.



No	Article / Schedule	Text as set out in the draft DCO [REP6-004]	ExA's Recommended Amendment	Reason and Notes
		<p>of saltmarsh habitat within Pegwell Bay (3) No exit to trenchless landfall techniques must occur within 50m of MLWS at Leiston to Aldeburgh SSSI.</p>	<p>of saltmarsh habitat within Pegwell Bay (3) The temporary working area will be located at a minimum distance of 50m from the edge of the saltmarsh habitat within Pegwell Bay. (34) No exit to trenchless landfall techniques must occur within 50m of MLWS at Leiston to Aldeburgh SSSI. (5) Exit to trenchless landfall techniques must occur at least 45m east of the continual Coralline Crag outcrop in Suffolk (as identified in plate 2.3 of the Coralline Crag technical note). (6) Pneumatic casing installation shall not be used unless otherwise agreed in writing with the MMO, following provision of appropriate underwater noise assessment and agreement of any relevant mitigation proposals. (7) No open cut trenching will be permitted for the repair and maintenance of cables installed by trenchless techniques at the landfall, unless otherwise approved by the relevant planning authority in</p>	



No	Article / Schedule	Text as set out in the draft DCO [REP6-004]	ExA's Recommended Amendment	Reason and Notes
			consultation with Natural England.	
27.	Condition 11	<p>Red Throated Diver 11.— (1) Unless otherwise agreed in writing with the MMO, in consultation with Natural England and the JNCC as the relevant statutory nature conservation body (SNCB), none of the following activities relating to cable laying are permitted to take place on the seabed within the Outer Thames Estuary SPA between 1 November and 31 March inclusive— (a) pre-sweeping dredging; (b) boulder clearance, pre-lay grapnel run and cable crossing preparation; (c) cable installation (specifically mechanical ploughing or cutting and/or water jetting and post lay burial operation); (d) cable protection (specifically rock placement); (2) Unless otherwise agreed in writing with the MMO, none of the following activities relating to landfall installation are permitted to take place on or under the seabed within the Outer Thames Estuary SPA between 1 January and 31 March inclusive—</p>	<p>Red Throated Diver 11.— (1) Unless otherwise agreed in writing with the MMO, in consultation with Natural England and the JNCC as the relevant statutory nature conservation body (SNCB), none of the following activities relating to cable laying are permitted to take place on the seabed within the Outer Thames Estuary SPA and a 2km buffer between 1 November and 31 March inclusive— (a) pre-sweeping dredging; (b) boulder clearance, pre-lay grapnel run and cable crossing preparation; (c) cable installation (specifically mechanical ploughing or cutting and/or water jetting and post lay burial operation); (d) cable protection (specifically rock placement); (e) Routine monitoring and maintenance activities (either by vessels or autonomous vehicles) (2) Unless otherwise agreed in writing with the MMO, none of the following activities relating to landfall installation are permitted to take place on or under the seabed</p>	<p>To provide certainty regarding the outcomes of the habitats regulations assessment, the wording definitively secures the application of a 2km buffer and avoidance of routine monitoring and maintenance during the wintering period but allows flexibility if agreed with the relevant SNCB.</p> <p>Paragraph 1.3.1 of the RTD protocol [REP6-090] states that it applies to decommissioning therefore reference to decommissioning has been added in 11(4).</p>



No	Article / Schedule	Text as set out in the draft DCO [REP6-004]	ExA's Recommended Amendment	Reason and Notes
		(a) Trenchless landfall techniques for landfall installation. (3) The provisions of paragraphs (1) and (2) do not apply in respect of emergency cable repair works. (4) The undertaker will comply with the red-throated diver protocol throughout the construction, operation and maintenance of the authorised development.	within the Outer Thames Estuary SPA between 1 January and 31 March inclusive— (a) Trenchless landfall techniques for landfall installation. (3) The provisions of paragraphs (1) and (2) do not apply in respect of emergency cable repair works. (4) The undertaker will comply with the red-throated diver protocol throughout the construction, operation, maintenance and decommissioning of the authorised development.	
28.	Condition 12	(3) In undertaking activities under condition 12(2)(d), the undertaker must not reduce water depth by more than 5% unless agreed with the MMO in writing in consultation with the MCA.	(3) In undertaking activities under condition 12(2)(d), the undertaker must not reduce water depth by more than 5% and in Areas of Safeguarded Water Depth water depth must not be reduced in exceedance of the specified depths , unless agreed with the MMO in writing in consultation with the MCA.	The revised wording is necessary to reflect the limitations established in requirement 17
Schedule 16, Deemed Marine Licence new conditions				
29.	D: Pre-construction surveys to be agreed	New condition	D.—(1) The undertaker must, in discharging condition 4(1)(j), submit details (which accord with the In Principle Monitoring Plan) for written approval by the MMO, in consultation with the relevant statutory bodies, of proposed pre-construction surveys, including	To provide a condition requiring pre-construction surveys for the offshore scheme.



No	Article / Schedule	Text as set out in the draft DCO [REP6-004]	ExA's Recommended Amendment	Reason and Notes
			<p>methodologies and timings, and a proposed format and content for a pre-construction baseline report; and</p> <p>(a) the survey proposals must specify each survey's objectives and explain how it will assist in either informing a useful and valid comparison with the post-construction position and/or will enable the validation or otherwise of key predictions in the environmental statement; and</p> <p>(b) the baseline report proposals must ensure that the outcome of the agreed surveys together with existing data and reports are drawn together to present a valid statement of the pre-construction position, with any limitations, and must make clear what post-construction comparison is intended and the justification for this being required.</p> <p>(2) The pre-construction surveys referred to in sub-paragraph (1) must, unless otherwise agreed with the MMO, have due regard to, but not be limited to, the need to undertake—</p> <p>(a) a survey to determine the location and extent of any sensitive benthic habitats or species, where</p>	



No	Article / Schedule	Text as set out in the draft DCO [REP6-004]	ExA's Recommended Amendment	Reason and Notes
			<p>benthic habitats of principal importance such as those qualifying as annex 1 or s41 of the Natural Environment and Rural Communities Act 2006 (NERC) are identified, Sabellaria spinulosa reefs, and Mytilus edulis beds, inside the areas within the Order limits in which it is proposed to carry out construction works;</p> <p>(b) a full sea floor coverage swath-bathymetry survey undertaken to IHO Order 1a standard that meets the requirements of MGN654 and its annexes, and side scan sonar, of the area(s) within the Order limits in which it is proposed to carry out construction works including an appropriate buffer area around the site of each work, inclusive of seabed anomalies or sites of historic or archaeological interest that lie within the buffer;</p> <p>(c) any marine mammal monitoring required by the monitoring plan submitted.</p> <p>(3) The undertaker must carry out the surveys agreed under subparagraph (1) and provide the baseline report to the MMO in the agreed format in accordance with the agreed timetable, unless otherwise agreed in writing by the</p>	



No	Article / Schedule	Text as set out in the draft DCO [REP6-004]	ExA's Recommended Amendment	Reason and Notes
			MMO in consultation with the relevant statutory nature conservation bodies.	
30.	E: Benthic mitigation plans	New condition	E - Based on pre-construction surveys required in conditions 4(1)(J) and D and in agreement with MMO, the Undertaker must prepare a Benthic Mitigation Plan(s). Any necessary Benthic Mitigation Plans must be submitted to and approved in writing by the MMO prior to offshore works commencing and should include a timetable for implementation of the mitigation and details of any necessary monitoring. Any agreed mitigation and/or monitoring must be implemented in accordance with the agreed timetable.	Whilst the Benthic Mitigation Plan is proposed where necessary within the REAC as a commitment, the ExA considers that this should be a condition within the DML.
31.	F: Post construction surveys and monitoring and agreement for the need for any Benthic Mitigation Surveys. Maybe separate condition for benthic mitigation surveys	New condition	F - The undertaker must, in discharging condition 4(1)(j), submit a plan for the post-construction monitoring, providing details of proposed post-construction surveys, including methodologies and timings, and a proposed format, content and timings for providing reports on the results. The survey proposals must be in accordance with the In-Principle Monitoring Plan and must specify each survey's objectives and	To provide a condition requiring post-construction surveys for the offshore scheme with adaptive management where it transpires as being necessary.



No	Article / Schedule	Text as set out in the draft DCO [REP6-004]	ExA's Recommended Amendment	Reason and Notes
			<p>explain how it will assist in either informing a useful and valid comparison with the pre-construction position and/or will enable the validation or otherwise of key predictions in the environmental statement.</p> <p>The undertaker must then carry out the surveys and monitoring as agreed and provide these reports in the approved format in accordance with a timetable to be agreed with the MMO prior to commencement of offshore cable laying activities, unless otherwise agreed in writing with the MMO.</p> <p>In the event that the reports provided to the MMO identify impacts which are unanticipated, and/or in the view of the MMO, in consultation with the relevant statutory nature conservation body, are significantly beyond those predicted within the Environmental Statement, Habitats Regulations Assessment, or Marine Conservation Zone Assessment, an Adaptive Management Plan shall be produced and submitted alongside the relevant post-construction monitoring reports. The plan shall identify measures to</p>	



No	Article / Schedule	Text as set out in the draft DCO [REP6-004]	ExA's Recommended Amendment	Reason and Notes
			<p>reduce effects to ensure that these impacts are no worse than was predicted within the Environmental Statement, Habitats Regulations Assessment, or Marine Conservation Zone Assessment, unless otherwise agreed by the MMO in writing in consultation with the relevant statutory nature conservation bodies. This plan must be agreed by the MMO in consultation with the relevant statutory nature conservation bodies to reduce effects to an agreed suitable level for this development.</p> <p>Any such agreed and approved adaptive management or mitigation should be implemented and monitored in full to a timetable first agreed in writing with the MMO in consultation with the relevant statutory nature conservation body.</p>	
Schedule 19, Certified documents				
32.	Schedule 19	N/A	Add ' Arboricultural impact assessment '	The Arboricultural Impact Assessment is referenced in the revision to article 51.
33.	Schedule 19	N/A	Add ' Areas of Safeguarded Water Depth Plan '	The plan is listed in 'interpretation' as being a plan to be certified under article 60 but is not included in schedule 19.



No	Article / Schedule	Text as set out in the draft DCO [REP6-004]	ExA's Recommended Amendment	Reason and Notes
34.	Schedule 19	N/A	Add 'The Coralline Crag technical note'	The technical note is referenced in the revision to requirement 16 and dDML condition 10.